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ABSTRACT

The guidebook presents historical, legal, and practical information on the role of the board of trustees in North Carolina public libraries. Six sections detail the following: (1) matters relating to the powers and duties of trustees and to the internal operations of the board; (2) the relationship between the board and the chief librarian as it concerns policy formulation and execution; (3) the relationship between the board and the library staff with regard to staffing and organization; (4) financing, budgeting, and the restrictions involved; (5) statutory law regarding library networks, the advantages of networks, bookmobiles, and interstate compacts; and (6) the history, administration, services, and special functions of the North Carolina State Library. A bibliography provides both general and specific references of interest to the administrator, and includes a list of available films and filmstrips. The North Carolina Library Law, model bylaws for a library board of trustees, and suggested personnel policies comprise the three appendices. (PM)

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the public library

A GUIDEBOOK FOR NORTH CAROLINA LIBRARY TRUSTEES

by Robert E. Phay

INSTITUTE OF GOVERNMENT
University of North Carolina
at Chapel Hill
1972

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foreword

In 1959 the Institute of Government published a *Guidebook for Trustees of North Carolina Public Libraries,* by Ruth L. Mace. This publication has served North Carolina library trustees for over a decade. The need to update and enlarge it became apparent, however, and at the request of the State Library and the North Carolina Association of Library trustees, the Institute has produced this new and greatly enlarged guidebook.

Thomas W. Murray, who was then a third-year law student at Duke University, began the research for this book in 1968, and William Adams, who was also a third-year law student at Duke, continued it in the summer of 1971. The Institute greatly appreciates their substantial contributions toward this publication. The Institute is also indebted to the North Carolina State Library, particularly to Elaine von Oesen and Philip S. Ogilvie for reading and correcting the manuscript and providing much useful information. Rebecca Ballentine of the Institute faculty also offered much useful advice.

The Institute of Government has enjoyed its close association with the State Library and the North Carolina Association of Library Trustees. We have worked together on study commissions and special studies and have cosponsored an annual conference for trustees and librarians. I hope that this publication will further the service the Institute provides these groups as we seek to improve the operation of public libraries in North Carolina.

Robert E. Phay

Chapel Hill
January, 1972

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1

the library board of trustees

I. The Nature of Library Service

During its early years in this country, the public library was a place where the well educated could pass their leisure time among small collections of interesting and sometimes significant journals and books. More recently, however, the public library has become an essential community resource. Although the modern library continues to circulate books, it reaches out to help the community in a variety of new ways. Through remedial reading and adult education projects it has attacked the problems of poverty and illiteracy. Its services to the physically handicapped, such as talking books and tapes, have enabled them to lead more complete and useful lives. Modern libraries also provide information and short courses in specialized areas. For example, seminars and research reports are available in the areas of business and finance for the small-town businessman who cannot afford his own investment counseling service. The library also serves the community as a source of information for the sportsman, the stamp collector, the scholar, the weekend carpenter, and the city council. It broadens the horizons of many who cannot make extended journeys, and its loans of paintings and recordings enrich the lives of those who are fond of art and music. It makes available the sources of our religious, philosophical, and literary heritages, along with those of other cultures and societies.

The list of modern library services is virtually without end. The library trustee should accept the responsibility of making his library a major resource for his community if it is not so already.

II. The Origins of the Public Library in North Carolina

During the eighteenth century, libraries in North Carolina, as in all of the colonies, were a luxury available to the wealthy. While a parish library open to the public was established in Bath, North Carolina, in

1700,[1] most book collections belonged to individuals. In the early nineteenth century, library societies were organized in this state. As the holdings of these clubs grew, the members usually sought incorporation by the legislature; these libraries were still private, although a reading room for public use may have been made available.[2]

The only governmental interest in establishing libraries during the nineteenth century was the General Assembly's creation of the State Library. In 1821 the Secretary of State was directed to collect books; in 1840, the legislature designated a board of trustees for a State Library composed of the Governor and the Supreme Court justices, and appropriated five hundred dollars annually for the support of public libraries in the state.

The City of Durham opened the first tax-supported public library in 1897 under a private act of that year. The first public law for libraries was also enacted in 1897, authorizing cities to establish public libraries.[3] By 1910, the state had fifteen public libraries. The North Carolina Library Commission was created in 1909 to help local communities that wanted to establish and improve library services. Financial support for the library, however, remained a local responsibility.[4] During the 1920s North Carolina library building programs were aided by grants from the Andrew Carnegie Foundation, and the first bookmobile was put into service.

Library services were improved and extended significantly during the 1930s under the Work Projects Administration.[5] Federal funds through WPA helped establish libraries throughout the state and were used to purchase the bookmobiles that extended library service to rural areas. In 1941, the General Assembly began regular appropriations of state aid to public libraries.

In 1955, upon recommendation of the North Carolina Commission on reorganized pursuant to the Executive Organization Act of 1971, which merged to form the North Carolina State Library and charged with supervising all the state's public libraries. In 1971 state government was reorganized pursuant to the Executive Organization Act of 1971 which placed the State Library within the Department of Art, Culture, and History. This is the administrative structure now used.

A Governor's Commission on Library Resources was appointed in

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1. An Act for appointing a Town in the County of Bath and for securing the public library belonging to St. Thomas's Parish in Pamptecough, [1715] *Laws*, ch. 52, 23 *State Records of North Carolina* 73.
2. R. D. W. Connor, *North Carolina—Rebuilding an Ancient Commonwealth, 1584–1925* (Chicago: American Historical Society, Inc., 1929), p. 73.
3. *N.C. Pub. Laws* 1897, ch. 512.
4. *1927 North Carolina Handbook*, p. 173.
5. Rebecca Ballentine Scoggin, "The Development of Public Library Services in Chowan, Tyrrell and Washington Counties" (Master's thesis, University of North Carolina at Chapel Hill, 1967), p. 29.

1964 to study library services in the state; its report summarizes the present status of North Carolina libraries.[6] In 1968 the Legislative Commission to Study Library Support recommended that the state gradually assume equal responsibility with local governments for financing public libraries. Increased state support from recent legislatures indicates a movement in this direction.

III. The Creation of the Library Board

Public libraries may be established in North Carolina under the provisions of the General Statutes or by special legislative act. The most common method is establishment under the general law. The North Carolina General Statutes (G.S. 153–250.1) provide that a city or county governing board may "establish and support a free public library." Some libraries that are private corporations also receive financial support from local governments under G.S. 153–250.5. Joint libraries may be established by two or more counties or municipalities under G.S. 153–250.4. Chapter 5, entitled "The Larger Library System," discusses the joint library in detail.

A library also may be established by a special act of the General Assembly. As the name suggests, a special act is one that is passed to meet the requirements of a particular situation and applies only to the area or body specified in it. Library provisions may be set forth in an act dealing with only one library, as in the Charlotte-Mecklenburg Library Act, or they may appear as part of an act dealing with several subjects, as in the Wilmington City Charter.

A special act takes precedence over the general law. Thus the Charlotte-Mecklenburg Act providing for a seven-member library board prevails over the general law provision that requires library boards to have six members. Because a special act supersedes the general law, a new trustee should immediately find out whether there is special legislation dealing with his library. If his board has been created by special legislation, he should get a copy of the act and see how it differs from the general law provisions. Because special acts and charter provisions apply only to the named localities, this book will consider only the general library law, which is reproduced in Appendix A.

When the library board is created under the general law, it consists of six trustees appointed by the county or municipal governing body. The trustees serve six-year terms on a staggered basis. If the governing board wishes, it may appoint one of its own members to serve ex officio as one of the library board's six members. This ex officio member serves on the library board for the duration of his term on the governing board. While

6. Robert B. Downs, ed., *Resources of North Carolina Libraries*, (Raleigh, N.C.: Governor's Commission on Library Resources, 1965).

a library trustee, he has all the rights and duties of any other board member.

IV. The Library As Part of Local Government

The library is one of many services provided by local government. Although it operates with a separate board of trustees, it is best understood as a department of municipal or county government.[7] A review of the general law on public libraries, Article 19A of Chapter 153 of the North Carolina General Statutes, quickly shows that libraries are basically a part of the city or county that created them. This article gives the municipality or county governing body the authority to

—establish and support a public library (G.S. 153–250.1 and –250.2);
—budget for the library as part of the county or municipal budget (G.S. 153–250.7);
—issue bonds to purchase land, buildings, and equipment and to levy taxes to repay those bonds (G.S. 153–250.9);
—hold title to the library property (G.S. 153–250.11); and
—pass ordinances imposing penalties for damage to library property (G.S. 153–250.12).

Because the library is a governmental service of the municipality or county and is dependent upon the city or county governing body for operating and building funds, it is important that the library board maintain a good relationship with the city council, the county commissioners, and their administrative officers. One way to develop and maintain the confidence of these people is to keep them informed of all library activities and problems. Another way to keep in contact with the city or county governing board is to provide them with a special reference service on local governmental operations. The WATS Service, a telephonic reference service of the State Library, has greatly increased the local library's ability to obtain information and resource material for other governmental departments.[8]

V. Size of the Board and Qualifications for Trusteeship

G.S. 153–250.3 provides that the library shall be governed by a board of six trustees appointed by the governing body of the county or municipality. Trustees are to be chosen from "the citizens at large with reference to their fitness for such office." The requirements that he be a "citizen" and be "fit for such office" are the only legal qualifications a trustee must satisfy.

7. Some cities, such as Greensboro and High Point, have made their libraries directly responsible to the city manager by so providing in the city charter.
8. See Philip S. Ogilvie, "What's WATS?" *Popular Government* 34 (June 1968), 26–27, and discussion in Chapter 6, *infra*.

While the General Statutes say little about trustee qualifications, the American Association of Library Trustees and other professional organizations suggest that a trustee have the following qualifications to be an effective board member. He should

—be actively interested in the library, with a desire to see its quality and service improved and realize that libraries may be as essential as schools in forming a knowledgeable and alert population.
—recognize the library as a focal point for the continued education and culture of the community.
—be willing and able to devote as much time and effort as necessary to carry out the duties of trusteeship.
—be positively interested in bettering the community and all the people regardless of interests and backgrounds.
—want to learn about the community and to make the library responsive to community needs.
—be able to work with others, including the librarian, the staff, the members of the local government, and the public, as well as with other trustees.
—be eager to study ways, means, and policies that will facilitate reading as a path to profit and leisure for all members of the community.[9]

In addition to these common qualifications, the individual members should be selected for their personal skills and experiences that will serve the library.[10]

VI. Responsibilities of the Trustee

The responsibilities of the library trustee have expanded just as library services have expanded. The trustee, far from a custodian of a mausoleum for books, is a member of a board that determines policy for a major community resource. He holds a position of public trust, with an obligation to develop and manage the library resources for the benefit of his community's people. He must recognize, however, that the board's powers and duties are given to the board as a whole, and the individual trustee may not act unilaterally. If a trustee tries to act for the board without proper authority, he may be personally liable for any obligation or loss caused by his action.

The effective use of the specific statutory powers and duties of the board of trustees listed in the following section requires the library trustee to exercise leadership and judgment. To do so, he has a responsi-

9. Adopted from Virginia G. Young, "Qualifications and Appointment of Trustees," in *The Library Trustee*, ed. Virginia G. Young (New York: R. R. Bowker, 1969), p. 14.
10. Marian N. Winser, *A Handbook for Library Trustees* (New York: R. R. Bowker Co., 1955), p. 20.

bility both to understand community needs and library capabilities and to facilitate planning and adopting a library program that will provide the services needed. A trustee must be able to interpret and promote the library program to the community. In some communities, local residents have formed "Friends of the Library" groups that work closely with the trustees in interpreting and promoting the extension of the library program.

VII. Powers and Duties of the Board

The public library, whether created by special act or under the general law, is a legal entity and an instrument of local government. The board of trustees, the primary policymaker for the library, is a legal body having only those powers granted by law. Most of its powers are specific statutory authorizations. G.S. 153–250.6 grants the board of trustees the authority to:

—adopt bylaws, rules, and regulations for its own guidance and for the government of the library;
—lease, purchase, occupy, or erect buildings;*
—supervise and care for the library facilities;
—appoint a chief librarian and, upon the librarian's recommendation, to appoint assistant librarians and other employees;
—remove the librarian and library employees;
—fix the compensation of the chief librarian and, with the advice of the librarian, fix the compensation of the other library employees;
—prepare an annual library budget for submission to the governing body of the county or municipality;
—enter into contracts with and make annual appropriations to any body, public or private, that is providing library services (contracts may be for use of facilities and library equipment; the purchase, cataloguing, and circulation of any type of library materials; the services of professionally qualified library personnel; and the provision of any special library service);
—extend the privileges and use of the library to nonresidents of the county or municipality; and,
—accept any gift, grant, devise, or bequest made or offered by any person for library purposes and to carry out the conditions of the donation.*

G.S. 153–250.6 also requires the board of trustees to:

—prepare and recommend an annual budget to the governing body of the county or municipality;
—make an annual report to the governing body of the county or municipality providing financial support for the library;

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* Indicates that authority is subject to prior approval by the governing body of the governmental unit to which the library is subject.

—forward a copy of the annual report to the North Carolina State Library (G.S. 125–5 also requires an annual report to the State Library); and
—provide library service free to the inhabitants of the county or municipality providing for library services.

VIII. Tort Liability

The public library and its trustees, as a governmental agency, are immune from tort liability. In a recent case in which a woman caught her shoe in a crack in the library steps and fell, suffering personal injury, the North Carolina Supreme Court held that the library and its officer, because it performed a governmental function, were not liable for personal injuries resulting from the library's operation.[11] However, under G.S. 160A–485(a) a municipality, by procuring liability insurance on a vehicle used by it, may waive its immunity. Presumably, if the library purchases liability insurance for bookmobiles and other vehicles, it will be liable for negligent operation of these vehicles to the extent of the insurance. A governmental agency, however, can waive its immunity only in connection with operating a motor vehicle.[12] Bookmobile insurance is available in a statewide fleet policy.

IX. Compensation

G.S. 153–250.3 provides that trustees shall serve without compensation but may be reimbursed for expenses incurred while engaged in library activities, such as attending conferences and workshops.

X. Vacancies

G.S. 153–250.3 provides that a vacancy on the board is to be filled by the governing board of the county or municipality for the unexpired term.

XI. Removal from Office

G.S. 153–250.3 provides that a trustee may be removed by the county or municipal body for "incapacity, unfitness, misconduct, or for neglect of duty."

XII. Double-Officeholding Problem

Library trustees, according to the Attorney General,[13] hold an office and could hold no other office under the constitution that was replaced on July 1, 1971. The new State Constitution contains a new double-officehold-

11. Siebold v. Kinston-Lenoir County Public Library, 264 N.C. 360, 141 S.E.2d 519 (1965).
12. Siebold v. Kinston, 268 N.C. 615, 151 S.E.2d 654 (1966).
13. N.C. Attorney General's Opinion to Jule McMichael, May 7, 1968.

ing provision. Article VI, section 9, prohibits one from holding the following combinations of offices or places of trust or profit:

(1) An office under the United States or under another state government and an elective office in North Carolina;

(2) Two offices in North Carolina filled by election;

(3) Two or more appointive offices or any combination of elective and appointive offices, *"except as the General Assembly shall provide by general law."*

The third prohibition—two or more appointive or any combination of elective and appointive offices—authorizes the General Assembly to permit exceptions by general law. The 1971 legislature authorized exceptions in G.S. 128-1.1 that permit any person who holds an appointive office in state or local government to hold concurrently one other appointive office or an elective office in either state or local government. It also permits any person holding elective office in state or local government to hold concurrently one other appointive office in either state or local government. A person who holds office or position in the federal postal system is also authorized to hold concurrently a position in state or local government. G.S. 128-2 is rewritten to provide that a person holding any office in violation of the North Carolina Constitution shall forfeit all rights and emoluments to it.

XIII. Operation of the Library Board

• A. *Officers.* G.S. 153–250.6(a) provides that the library board of trustees shall organize immediately after its appointment and elect one of its members as chairman. The board also may elect a secretary, treasurer, and other officers it deems necessary. Except for the chairman, the officers may be chosen either from the membership of the board or from the library staff.

• B. *Meetings.* The trustees determine the frequency, time, and place of meetings; their determination will depend on the size of the library and the number and kinds of problems with which the board must deal. Most boards find monthly meetings adequate.

• C. *Bylaws.* The board of trustees is authorized under G.S. 153–250.6(a)(1) to adopt bylaws, rules, and regulations covering meetings of the board and operation of the library. To assure efficient operation and avoid confusion, it is important that the board adopt bylaws to govern its operation. They should be brief and concise and deal with such matters as the time and place of regular meetings, the method of calling special meetings, and what constitutes a quorum. Along with the bylaws, the board should adopt a set of parliamentary rules, such as Roberts' Rules of Order. Sample bylaws compiled from several sets now used in North Carolina appear in Appendix B.

In writing new bylaws or updating existing ones, the board should consider the following aspects of library operation:

1. *Time and place of regular meetings.* The bylaws should provide for regular board meetings, specifying their time and place. By this specification, the board provides the required notice to members, making individual notice to trustees before each meeting, although desirable, legally unnecessary.

2. *The method of calling special meetings.* Occasionally a special meeting will be necessary. Most library bylaws authorize special meetings upon call of the chairman or when a specified number of the trustees, usually a majority, request one. The bylaws must provide that when special meetings are called, adequate notice shall be given to all board members.

3. *Quorum.* A quorum must be present for actions of the board to be legal. Because the statutes do not define what constitutes a quorum, the common law definition that a quorum is a majority of the board's members applies. To eliminate any question, the bylaws should state what constitutes a quorum, particularly if the board thinks a quorum should be more than a simple majority.

4. *Officers.* The officers' duties, powers, and length of term should be set out in the bylaws. The General Statutes are silent on these matters.

5. *Order of business.* The bylaws should set forth an order of business. The following order is a good one.

Roll Call
Approval of previous meeting's minutes
Correspondence and communications
Report of librarian
Financial report and approval of expenditures
Report of standing committees
Report of special committees
Unfinished business
New business
Adjournment

6. *The appointment and duties of committees.* The bylaws should provide a procedure for appointing special and standing committees to deal with such problems as finance, administration, and buildings. Committees may be composed of trustees, library staff members, and perhaps others. Generally, no committee, either standing or special, can be given power to act for the board; rather, it investigates a particular matter and makes recommendations to the full board. The board, at a duly convened meeting, has the responsibility, which cannot be delegated, to establish policy and take official action.

7. *Hearings before the board.* A procedure permitting people to appear before the board to make requests or offer their views on the library's operation should be set forth in the bylaws. Requests for in-

creased services in a particular area, acquisition or removal of particular books or other materials, and permission to use library meeting rooms for a meeting not covered in, or contrary to, general policy are typical of the petitions made directly to the board.

8. *Amending the bylaws.* The bylaws should contain a procedure by which they may be amended.

• D. *Agenda.* The librarian, after consulting the board chairman, should prepare and mail to all trustees an agenda for all regular board meetings. The agenda may be a listing of issues to be discussed and actions to be taken, or it may involve a more detailed analysis of specific problems, perhaps including appendixes of written reports of committees that have met since the last board meeting.

• E. *Required Reports.* G.S. 153–250.6(c) requires the board to make an annual report to the governmental units providing financial support for the library and to forward a copy of the report to the North Carolina State Library. The report, submitted by August 1 on forms provided by the State Library, deals with such matters as the daily schedule of the library, the range of bookmobile service, the extent of the library's book stock and its circulation figures, and detailed inquiries relating to its finances.

• F. *Rules, Regulations, and Policy Statements.* The board is authorized by G.S. 153–250.6(a)(1) to adopt rules and regulations to govern the library's operation and, in conjunction with policy statements, to serve as means of implementing the library's plans and objectives. These rules and regulations should be written and filed separately or indexed with the minutes of the board's meetings. They should be reviewed and revised periodically.

The following list notes topics on which the board may want to establish written policies:

1. Selection and acquisition of books and materials.
2. Plans for extending library services and coordinating the library's program with that of other community agencies.
3. Circulation of library materials, reference services, fines, fees, and charges for lost books.
4. Nonresident use of the library, library hours, holidays.
5. The public library's service to schools and the coordination of the public and school library programs.
6. Acceptance and handling of gifts of money, trust funds, property, and endowments.
7. Personnel policies, including job descriptions, appointment, promotion, termination, retirement, employee welfare, salary schedules, sick leave, vacation with and/or without pay, leave, insurance, absence without leave, grievance procedures, and so forth.
8. In-service training of library staff.

9. Use of meeting rooms by groups and/or individuals.[14]

XIV. Orientation of New Trustees

In addition to statewide workshops, a local orientation program for new trustees should be provided to enable them to participate effectively in board meetings. This program might include:[15]

1. The duties and responsibilities of trustees.
2. Background information about their library—its goals, long- and short-range plans, policies, strengths and weaknesses, and sources of income.
3. Current information about the development of library service in North Carolina in relation to other aspects of local government.
4. How the library's materials and services relate to the characteristics and needs of the community.
5. The purposes and activities of the North Carolina Library Trustee Association and the American Association of Library Trustees.
6. Meetings with the staff to become familiar with the library's organization and administration.

Responsibility for proper orientation should be shared between the trustees and the librarian. Further help can be obtained from the North Carolina Library Trustee Association and the North Carolina State Library.

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14. This list was adapted from the *Handbook for Wisconsin Library Board Members.*
15. For a suggested format of a trustee orientation program, see *American Library Trustee Association*, "Trustee Orientation Program" (rev. 1963), reprinted in Young, ed., *The Library Trustee*, pp. 175–78.

2

the board and the librarian

I. Generally

The librarian is the public library's chief administrative officer. The board of trustees determines library policy, and the librarian insures that the programs and policies formulated by the board are properly executed and administered. Thus, the effective execution of board policy into actual library operation depends upon a competent librarian who has the board's confidence. Obviously, a qualified librarian is of great importance in providing the community with adequate library service. While the board is responsible for library policy and the librarian is entrusted with administering the policy, the two functions are often interwoven. Primarily, this overlapping results from the relationship between the librarian and the trustee; the librarian—by meeting with the board, contributing to its deliberations, and furnishing it with most of the information about the library's operation— in fact often functions as an integral member of the board. To distinguish between policy formulation and policy execution, the respective responsibilities of the board and the librarian are set out as follows:[1]

Librarian	Trustee
1. Planning for the Library's Growth	
Helps analyze library's strengths and weaknesses; recommends plans for library's growth and means for implementing plans.	Considers library's strengths and weaknesses, adopts long- and short-range plans for library's growth; decides on course of action to implement plans.
Administers library in terms of plans adopted by the board.	

1. The distinctions between board and librarian responsibilities are taken from the *Michigan Library Trustee Handbook* (Lansing, Mich.: Michigan State Library, 1968), pp. 4–6, and modified as appropriate.

Librarian	Trustee
2. Policy-Making	
Recommends policies needed; advises board on merit of decisions they are considering.	Considers what policies are needed to carry forward the library's plan most effectively.
Administers the library in accordance with adopted policies. Interprets policies to staff and public.	Discusses board's suggestions and librarian's recommendations.
3. Budget	
Prepares preliminary budget request recommendation based on present and anticipated needs in relation to the board's plan for library growth.	Scrutinizes preliminary budget submitted by librarian; makes necessary changes; officially adopts budget request.
Is present at budget hearings to answer questions on library administration and supplies facts and figures to aid board in interpreting library's financial needs.	Entire board (or representatives) appears at budget hearings to interpret library's financial needs.
Calls board's attention to ways of stretching budget and assists board in cooperating with other libraries.	Explores all ways of increasing library's income through new sources and cooperating with other libraries.
Decides on use of money on the basis of the approved budget.	Authorizes expenditures in accordance with the budget.
4. Public Relations	
Interprets board policies to staff and public and involves library in community activities.	Serves as "connecting link" between the library and the community, interpreting the one to the other.
5. In-Service Training	
Calls significant trustee materials to attention of library board.	Reads trustee materials.
Organizes orientation of new trustees.	Sees that new trustees have planned orientation.
Informs trustees of important meetings and workshops for them to attend.	Attends district, state, and national trustee or trustee-related meetings.
	Belongs to the North Carolina Library Trustee Association and American Association of Library Trustees.
6. Personnel	
Employs and supervises staff.	Employs head librarian.
Works for needed improvement in working conditions, fringe benefits, and salary scale.	Provides good salary scale for staff.
Capitalizes on skill and initiative of all staff members.	Sees that all staff have needed fringe benefits such as social security, vacation and sick leave, opportunities for professional growth, and compatible working conditions.

Librarian	Trustee
7. Administration of Library	
Has *full* responsibility for administration of the library within the framework of the board's plan, policies, and budget.	Has *indirect* responsibility through the adoption of plans, policies, and budget and employment of head librarian.
Reports at each board meeting and in other ways keeps board informed of library's problems and progress.	Keeps in touch with library's progress and problems through librarian's reports and his own use of the library.
8. Board Meetings	
Attends all regular and special board meetings except those at which his employment, salary, or performance is to be considered.	Attends and participates in all regular and special meetings.

II. Certification

North Carolina statutes have provided for the certification of librarians since 1933. Under the present statutory law, G.S. 153–250.6(a)(4), the chief librarian or director in any library is to be certified as a professional librarian by the North Carolina Library Certification Board before appointment by the local library board. However, in actual practice, because of the limited number of qualified personnel and insufficient funds, certification is not usually required for the administrators of small libraries, particularly those that are part of a regional library system. A copy of the requirements for certification may be obtained from the State Library.

The North Carolina State Library Board of Trustees, empowered by G.S. 125–7 to make rules and regulations for allocating state and federal aid to public libraries, requires that libraries employ a certified head librarian as a prerequisite for receiving state aid; an exception may be made under extenuating circumstances, but usually not for more than one year. However, because only libraries providing county-wide service are eligible for state and federal aid, this State Library rule does not apply to libraries offering less than county-wide service.

III. Selecting the Librarian

The library board is charged by G.S. 153–250.6(a)(4) with appointing a chief librarian or director of library service. This is probably the board's most important responsibility. When it is faced with this task, it should consider or reconsider the type of individual needed for its library. To do this, it needs to evaluate such factors as the size of the community and the types of people living there—their occupations, recreational habits, and educational level. Also, the board should ascertain the peculiar assets and liabilities of the community that might appeal to or discourage potential candidates. Particular administrative problems—for example, a

construction program or a public campaign for an increased budget—and the size of the library and the staff are relevant in evaluating the qualifications of potential applicants.[2]

General standards for librarians are hard to establish because libraries and communities differ in size, type, and individual needs. The American Library Association has suggested that the board always consider the applicant's general education and professional training, previous library experience, character and personality, and special training and experience applicable to some particular situation or problem that the new librarian will face. In addition to his professional qualifications the librarian should

> . . . have personal qualities which include a sense of purpose, understanding of people, dedication to service, and awareness of community needs, objectives and problems. The public librarian should be open-minded, alert to changing conditions, and able to devise and utilize new means and methods. With intelligence, imagination, and wide knowledge of materials, he should be able to make library resources vital to individuals and groups.[3]

In seeking the best candidate, the board might consult the State Library, other trustees and librarians, and the American Library Association for suggestions.

Besides looking outside the community for a prospective head librarian, the board should consider selecting a member of the library staff. Promoting a staff member to librarian may increase staff morale and reduce disruption of library service, since he is already familiar with the community, the trustees, and the library's operations. However, there are also disadvantages in promoting a staff person to chief librarian. Choosing a head librarian from among several equally qualified staff members may result in staff jealousy; also, a staff member with years of habit and routine in the library might perpetuate existing weaknesses. An outsider usually will bring fresh ideas and new approaches to the familiar problems of the library and, perhaps, be able to examine more objectively the library's goals and policies.[4]

When a candidate has been selected, the period of employment should be established. While there is no standard policy, the initial contract usually should be for a relatively short term so that both the board and the new librarian have an opportunity to work with and evaluate each other before making a long-term commitment. And while the board retains the power to remove the librarian, it should consider a long-term contract after an established period of service.

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2. See Anna G. Hall, *The Library Trustee* (Chicago: American Library Association, 1937), p. 102.

3. American Library Association, *Public Library Service*, Chicago: American Library Association, 1956), pp. 39–40.

4. Hall, *The Library Trustee*, p. 104.

IV. Removal

Removing the librarian is an extremely serious action and should be considered only if alternatives will not correct the problems. Several factors that may indicate the need for a new librarian are: the necessity for the board to act in a series of emergencies that could have been prevented by sound directing policies, friction in the relations between the library and other county or municipal departments and officials, unusual or rapid deterioration of library buildings and other physical equipment, obvious and long-continued friction on the staff, and a resentful attitude by the librarian toward discussion and criticism by the board.[5]

The board should always discuss such problems with the librarian and try to find out why the librarian is not performing satisfactorily. Often the problem can be corrected without removing the librarian and jeopardizing library service and staff morale. If removal is thought necessary, proper notice and an opportunity to explain the reasons for the deficiencies should be given the librarian.

5. *Ibid.*, pp. 118–19.

3

the board and the library staff

I. Generally

A library must be adequately staffed to provide the community with good service. The staff's size and composition will depend on the library's size and the particular needs of the community. The librarian, because of his expertise, is responsible both for recommending personnel changes[1] and for the employee's performance.

II. Personnel Policy

The board of trustees' primary responsibility is to establish a library personnel policy. The Public Libraries Section of the North Carolina Library Association (N.C.L.A.) suggests that a personnel policy consisting of an organization plan, a position classification plan, a salary schedule, and a statement of working conditions be written and formally adopted by the board.[2] The following brief summary of the information available in the personnel manual prepared by a committee of N.C.L.A. and published by the North Carolina State Library constitutes general guidelines in establishing a personnel policy.

• A. *Organization Plan.* An organization plan should show the organization of personnel within the library, delineating each individual's position and responsibilities within the organizational structure. A well-formulated organizational plan will enhance coordination and communication between individual staff members. It should also determine the most efficient personnel arrangement.[3]

1. N.C. GEN. STAT. § 153-250.6(4) (1970).
2. North Carolina Library Association, *North Carolina Public Library, Personnel Manual* (Raleigh: North Carolina State Library, 1970), p. 3, hereinafter cited as *Personnel Manual.*
3. For advice in staffing see the American Library Association, *Minimum Standards for Public Library Systems,* (Chicago: American Library Association, 1966), p. 54.

Charts 1 and 2 diagram the organization of a large and a small library suggested by the North Carolina Library Association.

Table I shows the recommended minimum staff sizes for North Carolina public libraries.

TABLE I

Recommended Staffing Patterns
Based On A.L.A. Statistical Standards 1967

Library Group	Population Served	Number of Employees		Total
		Professional	Nonprofessional	
I	25,000- 50,000	4- 8	8- 17	12- 25
II	50,000- 75,000	8-12	17- 25	25- 37
III	75,000-100,000	12-16	25- 34	37- 50
IV	100,000-150,000	16-25	34- 50	50- 75
V	150,000-200,000	25-33	50- 67	75-100
VI	200,000-250,000	33-42	67- 83	100-125
VII	250,000-300,000	42-50	83-100	125-150
VIII	300,000-	50-	100-	150-

• B. *Position Classification.* A position classification plan provides a detailed description of positions within the staff in terms of qualifications, duties, and responsibilities. The following are general descriptions of positions in a library.

1. *Assistant librarian.* The assistant librarian helps the chief librarian in the administrative work of the library and acts as chief librarian in his absence. He also may be given such special assignments as maintaining community interest in the library by preparing news releases and speaking to civic groups. As a professional staff member, he is expected to keep himself informed of current trends and developments affecting library service.

2. *Acquisition librarian.* The acquisition librarian, with the librarian, is responsible for purchasing library materials, administering the acquisitions budget, and supervising related work of the staff. The position requires someone who knows how to improve the library's resources.

3. *Adult services librarian.* The adult services librarian is responsible for increasing adult services and use of the library. The position requires someone who can get community support for the library's programs.

4. *Branch librarian.* The branch librarian, as part of his duties in administering a branch library, plans and organizes special adult and child programs, prepares displays, and maintains the building and equipment.

CHART 1

Organization Chart of a Large Library

This organization chart is for a library serving a population of 200,000 or more. It provides for a staff of thirty-five professional librarians and subject specialists and sixty-five nonprofessionals. It contemplates a physical plant consisting of a main library, four branch libraries, and one bookmobile.

Director

Assistant Director

Secretary

Public Relations

Business Office
1 Bus. Mgr.
1 Steno-Bookkeeper
2 Clerk-Typists

Building Maint.
1 Bldg. Maint. Supv.
3 Janitors

Acq. & Tech. Processing
2 Acq. Lbn.
2 Cataloguers
3 Preprof. Lb. Ass't.
3 Lib. Tech.
2 Clerk-Typists

Main Library
1 Librarian

Coordinator, Children's Serv.
1 Children's Lbn.

Extension Serv.
1 Librarian

Circulation
1 Librarian
1 Ass't. Dept. Lbn.
6 Lib. Tech.
3 Clerk-Typist
3 Pages

Adult Serv.
1 Adult Serv. Lbn.
2 Reference Lbn.
2 Reader's Adv.
1 Ass't. Dept. Lbn.
2 Preprof. Lb. Ass't.
1 Clerk-Typist

Young Adult Serv.
1 Y.A. Libn.
1 Ass't. Dept. Lbn.
2 Preprof. Lbn. Ass't.
1 Clerk-Typist

Children's Serv.
1 Children's Lbn.
1 Ass't. Dept. Lbn.
2 Preprof. Lb. Ass't.
1 Lib. Tech.
1 Page

4 Branches
4 Br. Lbn.
4 Ass't. Lbn.
4 Preprof. Lb. Ass't.
8 Lib. Tech.
4 Clerk-Typists
2 Pages

Bookmobile
1 Bk. Lbn.
1 Preprof. Lb. Ass't.
2 Bk. Driver-Clerk

Audio-Visual Services
1 Subj. Specialist
1 Preprof. Lb. Ass't.
1 Clerk-Typist

Local History Coll.
1 Subj. Specialist
1 Preprof. Lb. Ass't.
1 Lib. Tech.

Community Serv.
2 Librarians or Subject Spec.

CHART 2

Organization Chart of a Small Library

This organization chart is for a library serving a population of 50,000. It provides for a staff of eight professional librarians and seventeen nonprofessionals. It contemplates a physical plant consisting of one library and one bookmobile.

Librarian	**Acq. & Tech. Processing**	**Children's Serv.**
	1 Cataloguer	1 Prof. Lbn.
Sec.-Bookkeeper	2 Lb. Tech.	2 Lb. Tech.
	1 Clerk-Typist	
Assistant Librarian		**Extension**
	Adult Services	1 Bk. Lbn.
Janitor	1 Ref. Lbn.	1 Bk. Driver-Clerk
	1 Reader's Adv.	1 Clerk-Typist
	1 Preprof. Lb. Ass't.	
	1 Clerk-Typist	**Circulation**
		2 Preprof. Lb. Ass't.
	Young Adult Services	3 Lb. Tech.
	1 Prof. Lbn.	1 Clerk-Typist
		1 Page

5. *Cataloguer.* The cataloguer classifies, catalogs, and organizes books and other library material.

6. *Children's librarian.* The children's librarian plans, develops, and executes a program designed to interest children in using the library.

7. *Extension librarian.* The extension librarian, primarily responsible for extending library services beyond the library building, supervises bookmobile services; visits schools, individuals and community groups; and helps the branch libraries.

8. *Reference librarian.* The reference librarian organizes the reference services, determines services to be offered, formulates rules and regulations to implement policies, and supervises all reference activities.

9. *Young adult librarian.* The young adult librarian is responsible for developing a program in conjunction with the local schools, community agencies, and parents to serve the particular needs of young people.

10. *Other staff positions.* The staff may also include assistant department librarians for larger departments; a preprofessional librarian responsible for special programs under the supervision of a professional staff member; and a business manager who manages library financial affairs and supervises custodial employees. Other positions include stenographer-bookkeepers, clerk-typists, bookmobile driver-clerks, janitors, and clerical helpers.

• C. *Salary Plan.* The board of trustees, as the employer, is responsible for preparing a salary schedule for library employees. The two major considerations in establishing a salary schedule for a particular position

are: the duties and responsibilities of the position and the salaries paid for similar work in the community or in comparable institutions.[4] The board must also determine the salary raises that will be given and whether they will be given automatically or on the basis of merit after individual review.

The N.C.L.A. has recommended the adoption of the salary schedule now used by the North Carolina State Personnel Department, which will help develop a personnel policy and salary schedule. The N.C.L.A., as Table II shows, has made recommendations on salaries for professional librarians.

• D. *Conditions of Employment.* The trustees should adopt personnel policies that outline the conditions of employment. The *Personnel Manual* has a resolution (see Appendix C) recommending policies on a variety of personnel subjects. The more important areas are listed below.

1. *Probationary period.* All employees should be employed initially on a provisional basis. During this probationary period, usually a year, the employee's work is reviewed and evaluated and his strengths and weaknesses discussed with him. If he has been satisfactory, he should receive a permanent appointment when the period is up.

2. *Minimum wage and hours of work.* Employees of a state and its political subdivisions are excluded from coverage of the Fair Labor Standards Act. Therefore, library employees of a library supported by local and state funds are *not* subject to the federal minimum wage law, which requires at least $1.80 per hour with overtime compensation of at least 1½ times the regular pay rate for hours worked over 40 per week. With respect to the work week, the American Library Association recommends a 37½-hour work week.[5] Most North Carolina employees work 40 or more hours per week.

3. *Vacation leave.* Full-time employees and part-time employees working on a regular schedule should receive regular vacation leave. The trustees should determine whether employees will be allowed to accumulate annual leave.

4. *Sick leave.* The N.C.L.A. recommends one day of sick leave a month, which may be accumulated.

5. *Notice of resignation.* Library employees should give as much notice as possible before resigning. The N.C.L.A. recommends that librarians give two months' notice, other professional staff members one month's notice, and all other employees two weeks' notice.

6. *Workmen's compensation.* The North Carolina Workmen's Compensation Act[6] extends coverage to all public employees. A local govern-

4. *Personnel Manual*, p. 14.

5. American Library Association, *Personnel Organization and Procedure*, 2d ed. (Chicago: American Library Association, 1968), p. 8.

6. N.C. GEN. STAT. Ch. 97 (1964).

TABLE II

Professional Librarian's Salary Scale To Be Used in Qualifying for State Personnel Grants Based on North Carolina State Personnel Salaries for Professional Librarians

	Position	Population Served	Minimum Professional Grade	Salary Range (Step in Range Depends on Experience and Qualifications)					
County Libraries	Chief Librarian	under 50,000	Librarian II	$ 8,568	$ 8,976	$ 9,384	$ 9,840	$10,308	$10,800
	Chief Librarian	50,000-100,000	Librarian III	9,384	9,840	10,308	10,800	11,304	11,880
	Chief Librarian	100,000-150,000	Librarian IV	10,800	11,304	11,880	12,468	13,080	13,728
	Chief Librarian	150,000-200,000	Librarian V	12,468	13,080	13,728	14,388	15,120	15,852
	Chief Librarian	200,000-	Librarian VI	13,728	14,388	15,120	15,852	16,632	17,460
Regional Libraries	Chief Librarian	under 50,000	Librarian III	$ 9,384	$ 9,840	$10,308	$10,800	$11,304	$11,880
	Chief Librarian	50,000-150,000 (or at least 6 counties)	Librarian IV	10,800	11,304	11,880	12,468	13,080	13,728
	Chief Librarian	150,000-200,000	Librarian V	12,468	13,080	13,728	14,388	15,120	15,852
	Chief Librarian	200,000-	Librarian VI	13,728	14,388	15,120	15,852	16,632	17,460

Other regional professional positions should be assigned grades with salary ranges in line with duties and responsibilities assigned.

ment unit can either purchase workman's compensation from an insurance company or comply by qualifying as a self-insurer.[7]

7. *Retirement and group insurance.* The *Personnel Manual* recommends that library employees retire at age sixty-five unless the librarian and the board of trustees request his continued employment, but with mandatory retirement at seventy.

Library employees are covered by Social Security and are eligible for membership in North Carolina Local Governmental Employees' Retirement System.[8] Also, local governments and library trustees may provide library employees with group health, life, and accident insurance.[9]

8. *Evaluation of employees.* The N.C.L.A. recommends that a formal procedure be adopted for evaluating library employees' performance.

III. In-Service Training

The library should establish a program of in-service training for its personnel. Such programs will improve the quality of library services and boost staff morale. In-service training may include on-the-job training arranged by the librarian, reading professional literature, and attending conferences, workshops, and training sessions.

IV. Dismissal

The board should establish a definite procedure both for complaints by the employees and for demotion or discharge of an employee. This procedure should insure that the employee is given a fair hearing and provided other procedural safeguards. Employees being dismissed for unsatisfactory performance should be given the same period of notice or paid in lieu of notice for the period required for resignation.

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7. N.C. GEN. STAT. § 97-7 (1961).
8. N.C. GEN. STAT. § 128-21, et seq. (1964). See Hunter v. Board of Trustees, 224 N.C. 359, 30 S.E.2d 384 (1944).
9. See N.C. GEN. STAT. § 57-1.2; N.C. GEN. STAT. §§ 58-210(1)(b), -210(6), -254.4 (1964).

4

finance and budgeting

I. Financing Public Libraries

• A. *Local Governmental Support.* Library service to the general public has been considered chiefly a function of local government; accordingly, public library financial support has come predominantly from the locality served.

In fiscal year 1970–71 the figures were:

	Share	*Per Capita*	*Money Available*
Counties and cities	70%	$1.37	$ 6,951,434
State aid	18	.35	1,792,578
Federal aid	6	.12	622,153
Private donations	6	.13	640,208
	100%	$1.97	$10,006,373

As this breakdown shows, most of the financial support for libraries comes from local governments. Most of the local money is not tax revenue, however. Under the necessary expense doctrine (see page 26), the State Constitution prohibits local governments from using income for library support except with specific voter approval by special referendum. Only 30 counties and 14 cities have received this approval. Thus most local government library support comes from nontax revenues, which include such sources as the profits of ABC stores; wine and beer taxes collected by the state and shared with the cities; and excess income from revenue-producing enterprises such as water, sewer, electric and gas systems, and cemeteries. The constitutional burden can be removed with proper enabling legislation when a new constitutional provision becomes effective on July 1, 1973.

• B. *State and Federal Support.* As already noted, financing library services has historically been a function of local government. In recent years, however, state and federal governments have provided important financial support. The North Carolina Aid Fund for Public Libraries, established in 1941 with an appropriation of $100,000 per annum, provided $2,000,000 of state aid to local libraries for the 1971–72 fiscal year.

One significant change in state aid for public libraries occurred in the 1969 General Assembly. This legislature implemented the basic recommendation of the Report of the Legislative Commission to Study Library Support.[1] This commission, under the able leadership of David Stick, recommended that the state *gradually* assume equal responsibility with local government for public library support. At that time local governments provided three times more financial support than did the state. The 1969 General Assembly appropriated $1,500,000 in new money for public libraries, and the 1971 General Assembly increased state support for the first year of the 1971–73 biennium. Whether state aid will reach a par with local support is difficult to predict, in view of the many new demands on state revenue.

The federal government first provided library aid in 1956 under the Library Services Act. This act provided financial help to develop and expand library services in rural areas. In 1960, Congress extended the act for another five years and removed the "rural" limitation. In 1964, Congress substituted the Library Services and Construction Act,[2] which until 1971 provided financial aid to the states to improve and extend public library services. It also made federal funds available for local public library construction. In 1970 the act was amended to limit the uses at public library service funds. Current information on the allocation of federal funds may be obtained from the North Carolina State Library.

• C. *Gifts and Bequests.* Although they are an uncertain source of income, nearly all libraries depend upon gifts and bequests. The library board can obtain substantial revenue by emphasizing to the community that contributions from individuals and private businesses are an essential and important way to improve library services to the entire community.[3] Gifts are often necessary to provide the library with income to maintain critical services and begin new programs. They also may be used to meet special expenses not anticipated in the budget request. In receiving gifts, however, it is important for the trustees to insure that possible conditions attached to gifts do not frustrate the library's goals or result in administration costs that are greater than the gift's value to the community.[4]

1. "Report of the Legislative Commission to Study Library Support," (Raleigh, N.C.: The Commission, 1968).
2. 20 U.S.C. §§ 351–58 (1964).
3. Marian N. Winser, *A Handbook for Library Trustees* (New York: R. R. Bowker, 1955), pp. 48–49.
4. Anna G. Hall, *The Library Trustee* (Chicago: American Library Association, 1932), p. 86.

The trustee, through personal contact with individuals and civic organizations, can stimulate gifts and bequests. The library may be able to secure specific contributions for special educational programs, building needs, and development of new services. The trustee should be sure the community is aware of the library's needs. The trustee can also be instrumental in establishing a civic organization, like the Friends of the Library, to encourage civic support of the library.

Availability of state and federal tax revenues for local libraries depends primarily upon the service offered by the library. Regulations of the State Library Board require the library to serve the entire county in which it is located to be eligible for state and federal aid. Only one library system is designated for each county. Libraries that do not provide such coverage receive no support.[5]

II. Constitutional and Statutory Restrictions on Financing Libraries

• A. *Constitutional Provisions.* Several state constitutional limitations limit the power of local governments to levy taxes and borrow money for public library support. They are discussed briefly below. For a comprehensive examination of these provisions, the reader should see Robert Byrd's *County Finance*, published by the Institute of Government in 1967.

1. *Public purpose limitation.* A basic constitutional requirement for the expenditure of public funds is that it be for a public purpose. Article V, section 2(1), of the North Carolina Constitution provides that "The power of taxation shall be exercised . . . for public purposes only . . . ." While the explicit constitutional language refers only to the power to tax, the State Supreme Court has interpreted the provision as limiting the expenditure of all public funds without regard to their source.[6] However, the Court has held that the maintenance of a public library is a public purpose and that state and local governments may spend public funds to support public libraries.[7]

2. *Necessary expense limitation.** A second constitutional limitation on library finance is the necessary expense doctrine. Article V, section 2(5), of the North Carolina Constitution prohibits counties and cities

**Note:* This constitutional limitation will be replaced on July 1, 1973, with a new requirement for using local tax revenues. See the last paragraph of this section for the change in the Necessary Expense Limitation.

5. North Carolina Library Board, *Rules and Regulations for the Allocation of State Aid to Public Libraries in North Carolina, 1971–72* (Raleigh, N.C.: North Carolina State Library, 1971).

6. See, e.g., Dennis v. Raleigh, 253 N.C. 400, 116 S.E.2d 923 (1960); Airport Authority v. Johnson, 226 N.C. 1, 36 S.E.2d 803 (1946); Robert G. Byrd and Joseph S. Ferrell, "Legal Aspects of County Finance and Fiscal Control," in *County Government in North Carolina*, ed. Joseph S. Ferrell (Chapel Hill, N.C.: Institute of Government, 1967), pp. 35, 39.

7. Jamison v. Charlotte, 239 N.C. 682, 80 S.E.2d 904 (1954).

from levying taxes; section 4(6) of Article V prohibits cities and counties from incurring debt without voter approval except for a necessary expense.[8] The determination of what constitutes a necessary expense is made by the State Supreme Court. The Court in several cases has indicated that expenses incurred in operating a public library are not necessary expenses.[9] Therefore, before tax revenues can be used for current library operating expenses or to secure a debt for purchasing new equipment or constructing a new building, an election must be held in which a majority of those voting approve the expenditure.

Unlike the public purpose limitation, which applies to all public funds, the necessary expense doctrine does not extend to expenditures of nontax revenues.[10] Nor is the necessary expense requirement a limitation upon the expenditure of state funds, as is the public purpose limitation.[11] Therefore, state funds and local nontax moneys may be used to support public libraries without prior voter approval.

The most important sources of nontax revenue to local governments are the profits from ABC stores; income from revenue-producing enterprises like water, sewer, electric and gas systems, and cemeteries; wine and beer taxes collected by the state and shared with cities and counties; and private foundation grants. Revenues from these sources may be used for library support without voter approval.[12]

Revenue derived from intangibles taxes, even though collected by the state, may not be used for library purposes without voter approval. The Court has held that the state, in collecting the revenue, merely acts as an agent for the local government; the tax is local.[13] However, if the state actually levied the tax, funds given to local governments could be used to meet library expenses without voter approval. Revenue from the local 1 per cent sales tax is also available for library support if the county commissioners submitted the question to a vote. If the tax is levied without a vote of the people, however, G.S. 105–466(b) requires that it be spent for necessary expenses only. The State Supreme Court has held that revenue derived from the sale of property originally purchased with tax funds could not be used for library purposes unless approved at an election.[14]

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8. See generally Byrd and Ferrell, "Legal Aspects of County Finance and Fiscal Control," pp. 43–45.
9. Jamison v. Charlotte, 239 N.C. 682, 80 S.E.2d 904 (1954); Westbrook v. Southern Pines, 215 N.C. 20, 1 S.E.2d 95 (1939); Twining v. Wilmington, 214 N.C. 665, 200 S.E. 416 (1939).
10. See, e.g., Horton v. Redevelopment Comm'n, 262 N.C. 306, 131 S.E.2d 464 (1963); Yokley v. Clark, 262 N.C. 218, 136 S.E.2d 564 (1963).
11. Bridges v. Charlotte, 221 N.C. 472, 20 S.E.2d 825 (1942).
12. Byrd and Ferrell, "Legal Aspects of County Finance and Fiscal Control," p. 45.
13. Yokley v. Clark, 262 N.C. 215, 136 S.E.2d 564 (1963).
14. *Id.*

A new Article V to the North Carolina Constitution will replace the present finance article on July 1, 1973. This new article eliminates the "necessary expense" limitation from the Constitution. However, a new provision—Article V, section 2(5)—will require the General Assembly to authorize by general law uniformly applicable throughout the state the levy of property taxes in order to avoid the necessity for prior voter approval. Thus a general law, uniformly applicable, authorizing taxation for libraries must be obtained before property taxes are levied for library support without prior voter approval. Restriction on borrowing money and contracting debt is continued in Article V, section 4(2)(f). It requires a general law uniformly applicable throughout the state before a local governmental unit can contract debts or borrow money without voter approval. Even when statutorily authorized, the debt can be only to the extent of two-thirds of the amount by which the unit's outstanding indebtedness has been reduced during the preceding fiscal year, unless approved by the voters.

3. *Twenty-cent limitation* [eliminated July 1, 1973]. Article V, section 2(4), limits the property taxes that may be levied by the county and state to 20 cents per $100 value of property except for county taxes that are levied for special purposes and have the special approval of the General Assembly. Thus for the county or state to exceed the 20-cent limit, on behalf of libraries, libraries must be a special purpose and receive special approval from the legislature.

The final authority for deciding what constitutes a special purpose is the judiciary. Although no decision on this subject has been found, it is generally assumed that libraries are a special purpose, as indicated by the fact that the General Assembly has given specific approval in G.S. 153–250.8 for levying special library taxes.

This archaic constitutional limitation on governmental finance is eliminated by the new Article V that becomes effective July 1, 1973.

4. *Two-thirds limitation on incurring debt.* Article V, section 4(1), of the North Carolina Constitution prohibits counties, cities, and other units of local governments from incurring in any fiscal year debt that exceeds two-thirds the amount by which the outstanding indebtedness of the county or city was reduced during the preceding fiscal year, unless voter approval is secured. The new Article V that becomes effective on July 1, 1973, carries forward the two-thirds limitation in a new section 4(2)(f). This section requires voter approval of an increase in debt except when there is a general law authorizing it that is uniformly applicable throughout the state, and only then to the extent of two-thirds the amount by which the unit's outstanding indebtedness has been reduced during the preceding fiscal year. The practical effect of this constitutional provision is to require voter approval for borrowing money.

Only rarely will the amount to be borrowed be less than two-thirds the net debt reduction of the preceding fiscal year.[15]

• B. *Statutory Provisions.* G.S. 153–250.8 gives local governments the authority to seek voter approval of a special tax levy to support the library. Citizens may also initiate a referendum on the subject by submitting a petition to the governing body signed by 15 per cent of the registered voters. If the voters approve the tax, the governing body of the county or municipality must levy a tax that will, when taken with the other revenues available, be sufficient to meet the approved appropriations for the library.

For many years the maximum rate of the ad valorem property tax that could be levied for library purposes was 15 cents on $100 property valuation. The General Assembly removed this ceiling in 1967. Once the tax rate has been approved by popular vote, any proposed changes in the maximum levy allowable must be submitted to new voter approval.

G.S. 153–250.9 authorizes counties and municipalities, singly or jointly, to issue bonds and to levy property taxes to pay the principal and interest on the bonds issued in order to purchase land and to construct or purchase library buildings and equipment. Voter approval is required because libraries are not a necessary expense and the issue is usually sufficiently large to bring the "two-thirds" requirement into play. Counties issue bonds or notes under the County Finance Act[16] and municipalities under the Municipal Finance Act.[17]

Other important statutory provisions affecting library finance include the County Fiscal Control Act[18] and the Municipal Fiscal Control Act.[19] On July 1, 1973, a new Chapter 159 of the General Statutes will replace the existing statutory law for city and county finance.[20]

III. Budgeting

• A. *General.* G.S. 153–250.7(a) requires the library board to prepare and recommend an annual budget to the governmental unit responsible for the library. This responsibility is one of the board's most time-consuming and important functions. It is important that it be done with care and diligence.

The budgeting process provides an orderly means by which the library staff and trustees can identify library needs and present them to the city

15. See Robert G. Byrd, *County Finance* (Chapel Hill, N.C.: Institute of Government, 1967), pp. 249–65, for a full discussion of constitutional limitations on incurring debt.

16. N.C. GEN. STAT. ch. 153, art. 9.

17. N.C. GEN. STAT. ch. 160, subch. III. See Byrd, *County Finance*, pp. 283-300, for a discussion of the statutory procedure for issuing bonds.

18. N.C. GEN. STAT. ch. 153, art. 10.

19. N.C. GEN. STAT. ch. 160, art. 33.

20. *N.C. Sess. Laws 1971*, ch. 780.

or county governing board. It also serves as a means of controlling monthly expenditures and provides a basis for preparing future budgets.[21] The adopted budget becomes the library's plan of operation for the year in which it is adopted. It is the county or city's authorization for the library to perform specified functions and to make the necessary expenditures in performing those functions. Without approval in the budget, expenditures of public funds, with few exceptions, are prohibited.

Governmental budgeting is a complicated procedure that is closely regulated by state statute,[22] and this book will discuss only the major aspects of the budget process. A detailed discussion of the legal requirements of budgeting can be found in *County Finance* by Robert G. Byrd, and *Materials on Municipal Government in North Carolina*, edited by Warren J. Wicker. Both of these books were published by the Institute of Government, and copies may be purchased by writing the Institute.

- B. *Preparing the Budget*

1. *The librarian and staff.* Budget preparation begins with the librarian. As chief administrative officer of the library, he is the one most familiar with library operations. After consulting with his staff, the librarian should develop a preliminary budget for submission to the trustees.

2. *The board of trustees.* The board of trustees normally becomes involved in the budgetary process when it receives the preliminary budget prepared by the librarian. However, the board may wish to designate a finance committee that will help prepare the preliminary budget.[23]

The statutes do not specify a particular form in which the budget must be submitted to the appropriating body. However, the proposed budget should include a detailed list of expenditures for the previous year, an estimate of expenditures in the current year, and a statement of the library's needs for the budget year.[24] A budget should be both detailed enough to insure that the money is spent in the manner contemplated by the appropriating authority and flexible enough to meet the library's daily operating requirements.[25]

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21. Hall, *The Library Trustee*, pp. 95–96 (1937). See also Charles O'Halloran, "The Trustee and Finances," in *The Library Trustee*, ed. Virginia G. Young (New York: R. R. Bowker, 1969), pp. 65, 66.
22. Article 10 of Chapter 153 of the General Statutes, the County Fiscal Control Act, sets out the requirements relating to budgeting that counties must comply with. Article 33 of Chapter 160, the Municipal Fiscal Control Act, sets out the requirements relating to budgeting that cities must comply with. Both of these articles are repealed and superseded by the new Local Government Finance Act, Chapter 159, which takes effect on July 1, 1973.
23. Winser, *A Handbook for Library Trustees*, p. 51.
24. Byrd and Ferrell, "Legal Aspects of County Finance and Fiscal Control," pp. 80–81.
25. Hall, *The Library Trustee*, pp. 97–98.

The amount of detail in the adopted budget will determine how much flexibility the trustees have during the budget year. If the budget has only broad categories like operating expenses, maintenance, and capital outlay, then the board has substantial flexibility in spending library funds. But if it has detailed line items like books, printing, postage, telephone, etc., then the board must spend the appropriated money only for the item specified. If the budget follows the detailed line-item approach, the board cannot transfer funds from one item to another without approval of the governing body: it cannot, for example, transfer part of the telephone appropriation to the printing or postage appropriation without the approval of the local governing body expressed by a resolution amending the budget. However, if a lump-sum appropriation has been requested and made for Operating Expenses with an itemized breakdown accompanying the budget request for explanatory purposes only, then the board can make the desired transfer of funds without any action whatever by the governing body.

When the board is satisfied that the budget will provide adequate library services to the area and that it can be honestly defended, it adopts the budget by a formal motion.

• C. *Presenting the Budget Request.* After the board has adopted the budget, it must present it to the local governing body. One effective way of doing so is to prepare an accompanying explanatory statement that provides the information necessary to support the board's requests.[26] When the budget is to be considered by the governing board, the trustee chairman and the librarian should ask to present the budget to the board orally and be available to defend and explain all requests made. If the proposed budget contemplates a substantial increase in library funds, the board should have investigated and evaluated sources of additional funds—for example, enlarged appropriations, a bond issue, or a special election to establish or raise a library tax levy. If it is decided that a special election should be held to obtain approval of a bond issue or a special tax levy, the library board should insure that the voters are fully informed of the proposed action.[27]

• D. *Amending the Budget.* The city or county governing board adopts the library budget as part of the governmental budget, and all library funds are disbursed in a manner similar to other governmental funds. Occasionally a board with a line-item budget will need to transfer funds from one item or category to another. All such changes must be approved by the governing board as a budget amendment. Only when the category is sufficiently broad to cover the desired expenditure may the library act without governing board approval. As already noted, the broader the

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26. See Winser, *A Handbook for Library Trustees*, p. 52.

27. O'Halloran, "The Trustee and Finances," p. 46.

categories in the budget document, the more discretion the library board has.[28]

• E. *Planning for Expansion.* Besides planning for current operating expenses, the library trustees must also be prepared to expand library services to meet the needs of a growing community and improve existing services. The trustee should evaluate probable future needs and make provisions in the annual budget request for expansion.[29] He should also be informed of possible state and federal aid as well as private sources to finance new and improved library services.

28. See Byrd and Ferrell, "Legal Aspects of County Finance and Fiscal Control," p. 86.
29. *Ibid.*, p. 44.

5

the larger library system

I. Background

The 1965 study of North Carolina library resources states that a library must serve a minimum of 50,000 people and preferably 100,000 or more to have the support necessary to provide adequate library services.[1] Libraries of this size are better able to employ professional librarians, can purchase more and better books with less duplication, and operate at a more reasonable per capita cost than can several smaller libraries whose budgets together equal that of the larger library. For these reasons, North Carolina has since the 1930s witnessed twin trends toward establishing county and regional library systems and county financial support to city libraries serving the entire county. Recognizing the advantages of regional and county libraries serving larger areas, the North Carolina State Library Board has provided them with state aid to encourage their development and have required all libraries to serve an entire county before they can receive state aid.[2]

One way of creating the larger library is by merging several libraries into a joint library serving two or more counties or municipalities. The regional library, which in North Carolina is a library serving two or more counties, is a joint library. There are fifteen such libraries serving forty-seven counties in North Carolina. A few joint libraries serve only a single county; these usually result from a city and county library merger.

Although the statutory law applicable to public libraries generally governs the operation of the joint library system, some specific differences apply to joint libraries. They will be discussed in this chapter along with the advantages of the larger library system.

1. Robert B. Downs, *Resources of North Carolina Libraries* (Raleigh, N.C.: Governor's Commission on Library Resources, 1965), pp. 40–41.
2. See North Carolina Library Board, *Rules and Regulations for the Allocation of State Aid to Public Libraries in North Carolina, 1971–72* (Raleigh: North Carolina State Library, 1971).

II. Statutory Law

• A. *Establishment of Joint Libraries.* G.S. 153–250.4 authorizes two or more counties and/or municipalities to enter into an agreement to establish a joint library. Each of the participating governmental units must approve a resolution specifying the terms of the agreement. This resolution *must* include a provision specifying the composition of the board of trustees and *may* contain any additional provisions concerning the operation of and responsibility for the library that the participating units wish to include.

• B. *The Joint Library Board of Trustees.* A joint library is governed by an appointed board of trustees of six to twelve members. The total number of trustees and the governmental unit responsible for appointing each member is specified in the resolution establishing the library. The trustee's term of office may be between two and six years, as provided in the resolution. Vacancies on the board are filled for the unexpired term by the governing body that made the original appointment. Provisions covering the qualifications, compensation, and removal from office of joint library trustees do not differ from those discussed in Chapter 1 that apply to trustees of other public libraries.

It is not unusual for individual libraries' boards of trustees to be retained when a regional library system, serving two or more counties, is established and a new regional board provided for. Normally, a few members of the individual boards are appointed members of the regional board as a means of providing a liaison between individual and regional libraries and facilitating a coordinated program of library service for the area.

• C. *The Joint Library Budget.* The joint library board is required under G.S. 153–250.7(b) to submit a proposed operating budget to the participating governmental units annually. After considering the library needs for the entire area, the proportionate benefit derived by each participant, and the funds available to support library services, the governmental units determine the amount to be contributed by each participant.

Each participating county and municipality pays its annual appropriation to the joint library board's treasurer, according to whatever has been agreed upon. The joint board then adopts a final budget in accordance with the appropriations made by the participating units and any other revenues available to the library. All funds received by the joint library from any source must be deposited by the treasurer to the library's account, earmarked for the use of the library, and paid out on warrants signed by the librarian and countersigned by the treasurer. The treasurer may countersign such warrants only when they are in accordance with the budget adopted by the joint library board and within the funds available to the library. Before entering upon his duties, the treasurer of the joint board must give bond to the board of trustees in

an amount fixed by the board and approved by the governing bodies of the participating governmental units.

As an alternative means of fiscal management for the joint library, the participating governments can contract with a single governmental unit to administer the finances of the library under procedures established by the County or Municipal Fiscal Control Act, depending on the governmental unit involved. The joint library board must arrange for an annual audit and send copies to each participating county or municipality.

• D. *Dissolution.* The resolution establishing the library should define how the property will be distributed among the participating units if the regional library is dissolved or one of the participants withdraws. G.S. 153–250.4(c) provides that any governmental unit can withdraw from the regional library after giving notice by December 31 that it wishes to withdraw in the next fiscal year. On July 1, the first day of the new fiscal year, the participant that is withdrawing is entitled to the proportion of the property specified in the resolution establishing the library.

III. Advantages of the Regional Library System

Most North Carolina libraries serve an area or population that cannot support them adequately. The advantages of the larger, and particularly regional, library are discussed in the categories below.

• A. *Library Materials.* Regional library systems, which serve two or more counties, provide an opportunity to establish libraries with the broad financial and patron support necessary to provide adequate library services. Regional library systems, by eliminating unnecessary duplication of book titles and having added financial support, can purchase many more books than the smaller county libraries. Similarly, the regional library can increase the number of periodicals available to its patrons and subscribe to specialized periodicals. Furthermore, through centralization, the regional library can increase the quantity and selection of such audio-visual resources as music and language recordings, slides, filmstrips, and pictures.[3]

• B. *Personnel.* Regional library systems are in a better position than smaller libraries to meet the personnel standards of the State Library because their resources are centralized and they receive more state financial aid.[4] Also, the regional library system can effectively employ such specialized personnel as adult librarians and children's librarians, making them available to the smaller member libraries.[5]

3. Downs, *Resources of North Carolina Libraries*, pp. 63–68.
4. For in-state personnel requirements, see North Carolina State Library, *Standards for North Carolina Public Libraries* (High Point, N.C.: North Carolina Library Association, 1970).
5. Downs, *Resources of North Carolina Libraries*, p. 66.

• C. *Physical Facilities.* By pooling resources, the units of the regional library system can afford many items of equipment—such as projectors, microfilm readers, and station wagons—that are too expensive to be purchased by the single county or municipal library. Another potential benefit of the regional system is the opportunity for central storage. Files of magazines and copies of seldom-used books can be stored in a central place where they would be available to all libraries in the system, releasing space in the local libraries for more current materials.

IV. Bookmobiles

North Carolina's libraries use more bookmobiles than any other library system in the nation. While the regional library is not the only type of public library using bookmobiles, the bookmobile as a means of providing service to a large geographic area is vitally important to the regional library.

The bookmobile, essentially a library on wheels, brings materials and services to residents of an area where library services are not otherwise available. A bookmobile is an integral part of a library system and should meet the same standards for staff and materials as other library departments. Through careful planning of service points and a regular schedule with periodic review to adjust to community changes, the bookmobile can extend library services to small communities and rural areas, introduce library services to residents who otherwise would never use a library, accommodate population shifts, and provide a means for determining the needs for a branch library.

A regional library system can more effectively use bookmobiles by increasing the geographic area served by each vehicle and increasing the number of days each vehicle is used. Also, because of its greater resources, the larger library system is better able to increase the materials available on the bookmobile and insure that it is adequately staffed.[6]

V. Interstate Library Compact

Under G.S. 125–12 local or state library agencies may enter into a compact with libraries of another state that has passed an interstate compact act to establish an interstate library district to provide joint library programs and services. Tennessee has such an act. Virginia, South Carolina, and Georgia do not. The agreement must specify the arrangements covered by the compact, allocate the costs, specify responsibilities, and set both the duration of the agreement and the distribution of the property upon dissolution. The agreement must be approved by the attorney general of each participating state before it takes effect. While the interstate compact provision is recent, it provides a means of improving the library services available to North Carolina residents.

6. *Ibid.*

6

the North Carolina State Library

I. History

North Carolina established the State Library in 1840. The General Assembly provided for the appointment of a state librarian by the Governor and the justices of the State Supreme Court, who were designated trustees of the State Library. The state librarian was charged with the responsibility of preserving state documents and purchasing books for public use.

In 1870 the General Assembly designated the state librarian as the legislature's official librarian and changed the method of his selection to joint vote by the two houses of the General Assembly. The State Library continued to function as a general reference center for the use of state agencies, public libraries, and the public.

In 1909 the General Assembly established a North Carolina Library Commission to help local communities establish and maintain public libraries.[1] As time passed, the North Carolina Library Commission came to perform many of the duties that the State Library performs today. As both agencies grew in size and scope of operation, they overlapped and duplicated services. Concluding that State Library services needed reorganizing, the North Carolina Commission on Reorganization of State Government recommended in 1954 that the State Library and the State Library Commission be combined into a single agency to supervise library development and services in the state:

> After studying the purposes and resources of these two agencies, we are convinced that more effective library service can be made available to the people of North Carolina if a single library agency is established to take over the functions now performed by the Library Commission and the State Library.[2]

1. N.C. Public Laws of 1909, ch. 873.
2. Quoted in Robert B. Downs, *Resources of North Carolina Libraries* (Raleigh, N.C.: Governor's Commission on Library Resources, 1965), pp. 22–24.

The General Assembly accepted the Commission's recommendation and merged the two agencies into the present State Library in 1955.

II. North Carolina State Library

• A. *Board of Trustees.* G.S. 125–3(a) provides that the State Library shall be governed by a board of trustees composed of eight persons: six to be appointed by the Governor to serve six-year overlapping terms, and two to serve ex officio—the "Superintendent of Public Instruction and the Librarian of the University of North Carolina" (at Chapel Hill, presumably). Vacancies are filled by the Governor for the unexpired term of the member causing the vacancy. All members serve without compensation but receive the per diem and allowances authorized for members of state boards by G.S. 138–5.

G.S. 125–3(d) requires the board to meet quarterly. Special meetings may be called by the chairman and must be called upon demand of two other members. Four members constitute a quorum, and the state librarian acts as secretary to the board.

• B. *Powers and Duties*

1. *Generally.* The State Library is the official library of state government as well as the state agency responsible for the development and continued effectiveness of library services to the public, state institutions, and state agencies and for efficient cooperation among all kinds of libraries in the state. G.S. 125–2 delegates specific functions and powers to the State Library.[3]

2. *Administration of funds.* The State Library is also responsible for administering certain state and federal aid to North Carolina libraries. G.S. 125–7 creates the Aid to Public Libraries Fund to promote the establishment and development of public library service throughout the state. The State Library allocates these funds among the counties on the basis of local interest, needs, and population. Among the various grants administered within this fund are:

Basic state aid grant—Begun in 1941, the basic grant in 1971 was $4,000 per county.

Per capita grant—An incentive grant program based on the county's "effort index score." A county's EIS is computed by dividing its total personal income into the operational expenditures it provided for libraries the previous year. The higher the EIS, the larger the state grant awarded.

Regional grants—Special grants to encourage and support regional library systems that serve two or more counties. (A two-county region must serve a minimum of 100,000 people.)

3. In addition to the duties specified in G.S. 125–2, G.S. 125–3(c) gives the library board of trustees the power to adopt rules and regulations for implementing all the functions assigned to it by G.S. 125–2 and other sections of Chapter 125.

Personnel grants—Grants designed to permit county and regional libraries to pay competitive salaries for library personnel.

A current copy of the specific requirements for these grants-in-aid programs may be obtained from the State Library.

• C. *The State Librarian.* The state librarian, appointed by the board of trustees, supervises the work and activities of the State Library. G.S. 125–4 requires him to qualify under standards adopted by the board that are at least equal to those established for chief county librarians. The board, after notice and a hearing, may remove the state librarian for cause. The librarian may employ those persons necessary for the State Library to perform its functions.

III. Services of the North Carolina State Library

The State Library is composed of five divisions, each with numerous special function sections.

• A. The *Administrative Services Division* has over-all responsibility for the entire State Library program including coordination of the work of the other divisions and special consultant and service responsibilities to the Legislative Library and the libraries of other state agencies.

• B. The *Library Development Division* serves as liaison between the State Library and other libraries and provides consultant services including building and program planning and budget counseling for public library trustees and personnel, for local government, and for inquiring citizens. It processes applications for state and federal aid and promotes statewide and regional cooperative activities for operational efficiency and economy.

• C. The *Reference Services Division* is a communications and materials resources center for state government and for public, academic, and special libraries throughout the state. It is an official depository and bibliographer for publications of state agencies and also acquires selected federal publications. It provides, of itself or as the center of an interlibrary services network, information and interlibrary loans for all types of libraries so that any library resource in the state may be available to any North Carolinian needing it.

• D. The *Special Services Division* provides consultant services to libraries serving residents of state institutions and maintains collections of such specialized materials as "talking books," tapes, braille, etc., with which it serves the physically handicapped.

• E. The *Technical Services Division* acquires, classifies, catalogs, and prepares for use materials needed by state government or to supplement resources of other libraries in the state via interlibrary loans.

IV. Special Function Sections of State Library Divisions

• A. The *Audio-Visual Library*, a section of the Library Development Division, operates the Public Library Film Service, which circulates through public libraries a wide selection of high-quality 16-mm. films for use by local groups not connected with schools or academic institutions. It also provides information on audio-visual equipment and sources of audio-visual materials not owned by the State Library.

• B. The *North Carolina Libraries Services Network*, a section of the Reference Services Division, acts as a communications and information service among libraries of all types using the Inward Wide-Area Telephone and Teletypewriter Service and a broad range of bibliographic tools, especially the North Carolina Union Catalog, to provide library materials to those who need them.[4]

• C. The *Genealogy Library*, also a section of the Reference Services Division, serves a broad clientele both within and outside the state in tracing family history.

• D. The *Processing Center*, a section of the Technical Services Division, is a self-supporting service center with which public libraries may contract for a nominal fee for the acquisition and complete preparation of materials for their own collections.

Clearly the North Carolina State Library is a vital resource for all of the libraries and citizens of the state. It is the first place to go if expert professional guidance is needed by the local library; it is also an excellent source of information about problems familiar to all public libraries, such as securing adequate financial aid and competent personnel.

4. For a complete discussion of the IN-WATS service, see Philip S. Ogilvie, "What's WATS?" *Popular Government* 34 (June 1968), 26–27.

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16mm Films

**The Adult and the Public Library*, 22 min., color.
**Books For All*, 29 min., color.
Effective Board: Board and the Executive (University of Washington, Seattle), 30 min., b. & w.
Effective Board: Who Should Be on the Board (University of Washington, Seattle), 30 min., b. & w.
**The Fifth Freedom*, 16 min., color.
**Freedom to Read*, 14 min., b. & w.
**King Size Diary*, 13 min., color.
**Man Aware*, 14 min., color.

Film Strips

Young Feet on the Road (with 33 rpm recording) 25 min., b. & w.
Your Public Library: Island or Peninsula (with 33 rpm recording) 15 min., color.

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*Available from the North Carolina Public Library Film Service through your local public library.

appendixes

APPENDIX A

NORTH CAROLINA LIBRARY LAW

Chapter 14. Criminal Law

Article 52. Miscellaneous Police Regulations

§ 14-398. Theft or destruction of property of public libraries, museums, etc.— Any person who shall steal or unlawfully take or detain, or willfully or maliciously or wantonly write upon, cut, tear, deface, disfigure, soil, obliterate, break or destroy, or who shall sell or buy or receive, knowing the same to have been stolen, any book, document, newspaper, periodical, map, chart, picture, portrait, engraving, statue, coin, medal, apparatus, specimen, or other work of literature or object of art or curiosity deposited in a public library, gallery, museum, collection, fair or exhibition, or in any department or office of State or local government, or in a library, gallery, museum, collection, or exhibition, belonging to any incorporated college or university, or any incorporated institution devoted to educational, scientific, literary, artistic, historical or charitable purposes, shall, if the value of the property stolen, detained, sold, bought or received knowing same to have been stolen, or if the damage done by writing upon, cutting, tearing, defacing, disfiguring, soiling, obliterating, breaking or destroying any such property, shall not exceed fifty dollars ($50.00), be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court. If the value of the property stolen, detained, sold or received knowing same to have been stolen, or the amount of damage done in any of the ways or manners hereinabove set out, shall exceed the sum of fifty dollars ($50.00), the person committing same shall be guilty of a felony, and shall upon conviction be punished in accordance with the laws applicable thereto. (1935, c. 300; 1943, c. 543.)

ARTICLE 19A.

Public Libraries.

§ 153-250.1. Establishment of library. — The governing body of any county or municipality may, in its discretion, establish and support a free public library, using for such establishment and support any nontax revenues which may be available for such purposes. The word "support" as used in this Article shall include, but is not limited to, purchase of land for library buildings, the purchase and renovation of buildings for library purposes, the construction of buildings for library purposes, purchase of library books, materials and equipment, compensation of library personnel, and all maintenance expenses for library property and equipment. Property taxes may be used for the support of public library services when the approval of the voters for the levy of a tax has been approved as provided in G.S. 153-250.8 of this Article or as may be provided in any special act. (1953, c. 721; 1963, c. 945; 1971, c. 698, s. 3.)

Editor's Note.—This Article, comprising §§ 153-250.1 to 153-250.13, was formerly Article 8, §§ 160-65 to 160-77, of Chapter 160. It was reenacted and transferred to its present location by Session Laws 1971, c. 698, s. 3, effective Jan. 1, 1972.

The operation of a public library meets the test of "governmental function." Siebold v. Kinston-Lenoir County Pub. Library, 264 N.C. 360, 141 S.E.2d 519 (1965).

§ 153-250.2. Library free.—The use of every library established under this Article shall be forever free to the inhabitants of the county or municipality providing or contracting for library services, subject to such reasonable rules and regulations as may be adopted by the board of trustees of the library and approved by the governing body of the county or municipality. (1953, c. 721; 1963, c. 945; 1971, c. 698, s. 3.)

§ 153-250.3. Library trustees appointed.—For the government of each library established by a county or municipality there shall be a board of six trustees appointed by the governing body of the county or municipality, chosen from the citizens at large with reference to their fitness for such office. For the initial term, two members shall be appointed for terms of two years, two members for terms of four years, and two members for terms of six years, and until their successors are appointed and qualified. Thereafter the terms of members shall be for six years and until their successors are appointed and qualified. The governing body of the county or municipality may, in its discretion, designate one of its own members to serve ex officio as one of the six members of the library board in addition to his other duties. Such governing body member shall serve on the library board for the duration of his term of office and shall have full rights, duties and responsibilities as a member of the board. All vacancies on the board shall be immediately reported by the trustees to the governing body which shall fill each vacancy for the unexpired term. The governing body of the county or municipality may remove any trustee for incapacity, unfitness, misconduct, or for neglect of duty. Members of the board shall serve without compensation. (1953, c. 721; 1963, c. 945; 1971, c. 698, s. 1.)

§ 153-250.4. Joint libraries.—(a) Two or more counties or municipalities, or a county or counties and a municipality or municipalities, may enter into an agreement for the joint performance and support of public library service for the benefit of the citizens of all the participating units. The joint library shall be established according to the terms of a resolution approved by the governing bodies of the participating units. The resolution shall provide for the composition of the board of trustees to govern the library and may contain any additional provisions concerning the operation and responsibility of the joint library on which all the participating units shall agree.

(b) The board of trustees of a joint library shall be composed of not less than six members and not more than 12 members. The resolution establishing the library shall specify the total number of trustees and the number of trustees to be appointed by the governing body of each participating county or municipality. The resolution shall also set forth the terms of office for the trustees, but no term of office shall be for less than two years, nor for more than six years. The governing body of each participating county or municipality shall make its appointments from the citizens at large with reference to their fitness for such office; provided, that such governing body may, in its discretion, designate as one of its members of the joint library board of trustees a member of the governing body to serve ex officio in addition to his other duties, and provided further, that such governing body may in its discretion, if it also supports a county or municipal library, designate one or more of its members of the joint library board of trustees from the membership of such county or municipal library board of trustees, such members to serve ex officio on the joint library board in addition to their other duties. Such governing body member, or county or municipal library board members, shall serve on the joint library board of trustees for the duration of his or their term of office on the governing body, or county or municipal library board, respectively. Any vacancy on the joint library board shall be filled for the unexpired term by the governing body of the county or municipality making the initial appointment. The governing body of any participating county or municipality shall have the power

to remove any trustee appointed by it for incapacity, unfitness, misconduct, or neglect of duty. Members of the board shall serve without compensation.

(c) The resolution establishing the joint library shall contain a statement governing the distribution of property between the participating counties and municipalities in the event that any county or municipality should elect to withdraw from the agreement. Any county or municipality wishing to withdraw from participation in joint operation of a library shall give notice to the other participating counties and municipalities by December 31st prior to the beginning of the fiscal year in which it wishes to withdraw participation and support. From and after the expiration of the six months' period, such county or municipality shall be entitled to such proportion of the property of the joint library as may have been agreed upon in the resolution establishing the library. (1953, c. 721; 1963, c. 945; 1971, c. 698, s. 3.)

§ 153-250.5. Contracts with other libraries.—The governing body of any county or municipality, or the board of trustees of any county or municipal library board with the consent of its governing body, or the board of trustees of a joint library, or the governing board of any corporation or association providing free public library service, may enter into a contract with and make annual appropriations to any county or municipality, county or municipal library, joint library, corporation or association providing free public library service, or other public or private agency providing library services for one or more public library services, including but not limited to the use of physical facilities and library equipment; the purchase, cataloguing and circulation of books, periodicals, recordings and other items and materials customarily acquired and circulated by the public libraries, the services of professionally qualified library personnel, and the provision of any special library service. (1953, c. 721; 1963, c. 945; 1971, c. 698, s. 3.)

§ 153-250.6. Powers and duties of trustees.—(a) The board of trustees of a county or municipal library shall organize immediately after its appointment and shall elect one of its members as chairman. It may elect a secretary and a treasurer and such other officers as it may deem necessary, either from the membership of the board or from the employees of the library.

The board of trustees shall have the power

(1) To adopt such bylaws, rules and regulations for its own guidance and for the government of the library as may be necessary and in conformity with law;

(2) With the consent of the governing body of the county or municipality, to lease or purchase and occupy an appropriate building or buildings, or to erect an appropriate building or buildings upon lands acquired by gift, devise or purchase;

(3) To supervise and care for the physical facilities constructed, leased or set apart for library purposes;

(4) To appoint a chief librarian or director of library service, and, upon recommendation of such librarian or director, to appoint assistant librarians and other employees, and to remove such librarians or employees; provided, that no vacancies existing or occurring in the position of chief librarian or director in any such library shall be filled by the appointment or designation of any person who is not certified as a professional librarian by the North Carolina Library Certification Board under the provisions of G.S. 125-9 or G.S. 125-10; the employees of a county or municipal library shall be for all purposes the employees of the county or municipality, as the case may be;

(5) To fix the compensation of the chief librarian or director, and in consultation with such librarian or director to fix the compensation of the assistant librarians and other employees of the library; provided, (i) that

all salaries and other compensation for library employees shall be in accordance with the provisions of any pay plan applying to all employees of the governmental unit and which has been approved by the county or municipal governing board, and, (ii) that all salaries and other compensation for library employees must be in accordance with appropriations for salaries and other compensation for library employees approved by the county or municipal governing body in the annual budget for such county or municipality;

(6) To prepare the annual budget for the library for submission to the governing body of the county or municipality;

(7) To extend the privileges and use of such library to nonresidents of the county or municipality, upon such terms and conditions as it may prescribe.

(b) Except as may be otherwise provided in this Article, the board of trustees of a joint library shall have the same powers and privileges as the board of trustees of a county or municipal library. With the consent of the governing bodies of the participating units, the board of trustees of each joint library shall prepare a pay plan governing the compensation of all employees of the joint library.

(c) The board of trustees of every public library shall make an annual report to the governing body of the county or municipality, or counties and municipalities, providing financial support for such library, and shall forward a copy of such report to the North Carolina State Library. (1953, c. 721; 1963, c. 945; 1969, c. 488; 1971, c. 698, s. 3.)

§ 153-250.7. Budget adoption and control.—(a) County or Municipal Library.—The board of trustees of every county or municipal library shall prepare and recommend an annual budget to the governing body of the county or municipality. The budget for the library shall be adopted as part of the county or municipal budget. All moneys received for such library shall be paid into the county treasury or the municipal treasury, shall be earmarked for the use of the library, and shall be paid out as other county or municipal funds are paid out; provided, that county or municipal library funds may, in the discretion of the governing board and notwithstanding the provisions of the County or Municipal Fiscal Control Acts, be paid out on warrants signed by the treasurer of the library board or trustees and countersigned by the county accountant or municipal accountant; provided, further, the countersigning officer shall countersign such warrants when they are within the funds earmarked for the library and within the amount of appropriations duly made by the governing body of the county or municipality. Whenever the treasurer of the library board shall sign warrants or otherwise handle moneys of the library, he shall, before entering upon his duties, give bond to the county or municipality in an amount fixed by the governing body of such county or municipality, conditioned upon the faithful discharge of his official duties.

(b) Joint Libraries.—The amount each participating governmental unit shall contribute to the establishment and support of a joint library shall be determined annually by agreement between and among the participating counties and municipalities on the basis of a recommended budget submitted to such county and municipal governing bodies by the joint library board of trustees. The county and municipal governing bodies, meeting jointly wherever possible, shall determine their proportionate appropriations on the basis of the overall need for public library service in the area served by the library, the benefits to each participating unit arising from library service, and the funds available in each participating unit to support library service. Each participating county and municipality shall pay over its annual appropriation for joint library purposes to the treasurer of the joint library board of trustees, according to such schedule as may have been agreed upon with the library board. The joint library board of trustees shall adopt a final budget in accordance with the appropriations made to it by the participating counties

and municipalities, and any other revenues available to such joint library. The treasurer of the board of trustees of the joint library, before entering upon his duties, shall give bond to the board of trustees in an amount fixed by the board of trustees and approved by the governing bodies of the participating governmental units, conditioned upon the faithful discharge of his duties. All funds, received by the joint library from any source shall be deposited by the treasurer to the account of the library, shall be earmarked for the use of the library, and shall be paid out on warrants signed by the librarian and countersigned by the treasurer. The treasurer shall countersign such warrants only when they are in accordance with the budget adopted by the board of trustees of the joint library and within the funds available to the library. In lieu of paying overall appropriations to the treasurer of the board of trustees of the joint library, the participating counties and municipalities may, in accordance with a resolution agreed to by each such county and municipality, contract for the financial administration of the library to be handled by a single participating county or municipality, in which case the procedures of the County or Municipal Fiscal Control Acts, whichever is applicable, shall apply. The board of trustees of each joint library shall arrange for an annual audit of its financial transactions and shall furnish each participating county or municipality with a copy of such audit. (1953, c. 721; 1963, c. 945; 1971, c. 698, s. 3.)

§ **153-250.8. Special tax for library.**—Subsequent to the establishment of a library by a county or municipality, the governing body of the county or municipality may upon its own motion and shall, upon a petition signed by voters of the county or municipality equal in number to at least fifteen percent (15%) of the total number of votes cast for the office of Governor in the last preceding general election in such county or municipality, submit to the voters at a special election the question of whether a special tax shall be levied for the support of such library.

Such question shall be submitted to the voters either at the next general election for county officers in the case of a county, or at the next general election for municipal officers in the case of a municipality, or at a special election to be called by the governing body of the county or municipality for that purpose: Provided, that no special election shall be held within 60 days of any general election for State, county or municipal officers. Such special election shall be conducted according to the laws governing general elections for county or municipal officers in such county or municipality.

The form of the question as stated on the ballot shall be in substantially the words: "For the levy of a special library tax of not more than ..... cents (.....¢)."; and "Against the levy of a special library tax of not more than ..... cents (.....¢)." Such affirmative and negative forms shall be printed upon one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voter may make a mark (X). Provided, that the maximum tax levy to be submitted to the voters shall be determined by the governing body of such county or municipality.

If a majority of the qualified voters in such election favor the levy of the tax, the governing body of the county or municipality shall levy and cause to be collected as other general taxes are collected, a special library tax within the limits approved by the voters in an amount which, when taken with nontax revenues, will be sufficient to meet annual appropriations for library purposes approved by the governing body of such county or municipality.

In any county or municipality in which a tax for library purposes has been voted under this section, or under any other general, public-local, private or special law, the governing body of such county or municipality may, on its own motion with the recommendation of the board of trustees of the library, and shall, upon a petition signed by voters of the county or municipality equal in number to at least fifteen percent (15%) of the total number of votes cast for Governor in the last preceding

general election in such county or municipality, submit to the voters of such county or municipality the question of an increase or decrease of such tax. Such question shall be submitted to the voters in the manner provided by this section. (1953, c. 721; 1963, c. 945; 1967, c. 703, ss. 1, 2; 1971, c. 698, s. 3.)

§ 153-250.9. Issuance of bonds.—Counties and municipalities are hereby authorized to issue bonds and notes, and to levy property taxes to meet payments of principal and interest on such bonds or notes, to purchase necessary land and to purchase or construct library buildings and equipment. Counties may issue such bonds or notes under the provisions of the County Finance Act and municipalities may issue such bonds or notes under the provisions of the Municipal Finance Act. (1953, c. 721; 1963, c. 945; 1971, c. 698, s. 3.)

§ 153-250.10. Power to take property by gift or devise.—With the consent of the governing body of the county or municipality, or the governing bodies of the governmental units participating in a joint library, expressed by an appropriate resolution or ordinance, the library board of trustees may accept any gift, grant, devise, or bequest made or offered by any person for library purposes and may carry out the conditions of such donations. The county or municipality, or counties and municipalities participating in a joint library, shall have authority to acquire a site, levy a tax in accordance with and within the limitations set forth in this Article, and pledge by ordinance or resolution compliance with all the terms and conditions of the gift, grant, devise, or bequest so accepted. (1953, c. 721; 1963, c. 945; 1971, c. 698, s. 3.)

§ 153-250.11. Title to property vested in the county or municipality.—Title to all property given, granted, or conveyed, donated, devised or bequeathed to, or otherwise acquired by any county or municipality for a library shall vest in and be held in the name of such county or municipality, and any conveyance, grant, donation, devise, bequest or gift to or in the name of any public library board shall be deemed to have been directly to such county or municipality; provided, that when such property is given, granted, or conveyed, donated, devised or bequeathed to, or otherwise acquired for the benefit of or in the name of a joint library, title to such property shall vest in and be held in the names of the participating counties or municipalities in the same proportion as set forth in the resolution establishing the library. (1953, c. 721; 1963, c. 945; 1971, c. 698, s. 3.)

§ 153-250.12. Ordinances for protection of library. — The governing body of any county or municipality establishing a public library shall have power to pass ordinances imposing penalties for any damage to or failure to return any book, plate, picture, engraving, map, magazine, pamphlet, newspaper, manuscript, film, recording, audio-visual equipment, or other specimen, work of literature, or object of art or of curiosity, or piece of equipment, belonging to such library. (1953, c. 721; 1963, c. 945; 1971, c. 698, s. 3.)

§ 153-250.13. Retention, removal, destruction, etc., of library items or equipment.—(a) Any person who shall

(1) Willfully or intentionally fail to return to a public library any library item or equipment belonging to such public library within 15 days after the librarian has mailed or delivered in person notice in writing that the time for which such library item or equipment may be kept under library regulations has expired, or

(2) Willfully or intentionally remove from the premises of the public library any library item of equipment without charging it out in accordance with the regulations of the library, or

(3) Willfully or wantonly damage, deface, mutilate, or otherwise destroy any library item or equipment, whether on the library premises or on loan, shall be guilty of a misdemeanor and upon conviction shall be punished

by a fine of not more than fifty dollars ($50.00) or imprisonment for not more than 30 days; provided, that the notice required by this section shall bear upon its face a copy of this section.

(b) For the purposes of this section, "library item or equipment" shall be defined to include any book, plate, picture, engraving, map, magazine, pamphlet, newspaper, manuscript, film, recording, or other specimen, work of literature, or object of art or of historical significance or of curiosity owned by the library, or any audio-visual equipment or other equipment owned by the library. (1953, c. 721; 1963, c. 945; 1971, c. 698, s. 3.)

APPENDIX B

MODEL BYLAWS OF A LIBRARY BOARD OF TRUSTEES

I. Meetings

The Library Board shall meet on the second Wednesday of each month at 8:00 p.m. at the library.

An annual meeting shall be held at the time of the regular monthly meeting for the month of June at the library.

Special meetings may be called by the chairman or upon the written request of three members for the transaction of business stated in the call for the meeting.

II. Officers

Board officers shall be elected by ballot at its regular annual meeting and shall be as follows: chairman, vice-chairman, secretary, and treasurer.

The board chairman shall preside at all meetings, appoint all committees, certify all actions approved by the board, authorize calls for any special meetings, and generally perform the duties of a presiding officer.

When the chairman is absent from a board meeting, the vice-chairman shall preside.

The board secretary shall keep a true and accurate account of all proceedings of the board meetings; issue notices of all regular meetings; and, on the authorization of the chairman, of all special meetings; have custody of the minutes and the other records of the board; and notify the appointing body of any vacancies on the board.

The treasurer shall have charge of the library funds, shall sign checks on the accounts on the board's authorization and report at each meeting on the state of the funds.

III. Committees

Special committees for the study and investigation of special problems may be appointed by the chairman to serve until they have completed the work for which they were appointed.

IV. Quorum

A quorum for the transaction of business shall be a simple majority of the board members.

V. Librarian

The librarian is the board's executive officer and shall have sole charge of administering the library under the board's direction and review. The librarian shall be held responsible for the care of the buildings and equipment, for employing and directing the staff, for the efficiency of the library's service to the public, and for operating the library under the financial conditions set forth in the annual budget. The librarian shall keep exact accounts of all moneys received from fines and other sources and report the amounts to the board at its regular meetings. He shall attend all board meetings except those at which his appointment or salary is to be discussed or decided.

VI. Order of Business

The order of business at the regular meetings shall be as follows:

Roll call
Approval of previous meeting's minutes
Correspondence and communications
Report of librarian
Financial report and approval of expenditures
Report of standing committees
Report of special committees
Unfinished business
New business
Adjournment

VII. Amendments

These bylaws may be amended by three-fourths of the members present at any regular board meeting that has a quorum, provided that the amendment was stated in the call for the meeting which was mailed to the members at least one week before the meeting.

APPENDIX C

SUGGESTED PERSONNEL POLICIES

(Taken from the North Carolina Library's *Personnel Manual* with some modification)

To promote efficiency in administration and provide fair and reasonable compensation and conditions of employment for all library employees, the board of trustees of the _____ Library adopts the following library personnel policies.

Article I. The Classification Plan

Section 1. *Adoption of the Plan.* The attached position classification plan is hereby adopted as the classification plan for the _____ Library.

Section 2. *Coverage of the Plan.* This classification plan shall include all full-time permanent classes of positions in the library service of the _____ Library. The chief librarian (or director) shall allocate each position covered by the classification plan to its appropriate class.

Section 3. *Maintenance of Classification Plan.* The chief librarian (or director) shall be responsible for administering and maintaining the position classification plan. He shall consider any material change in the nature of the duties, responsibilities, working conditions, and other factors affecting the classification of any position. He shall then restudy the position and determine whether the classification of the position should be changed. The chief librarian (or director) shall have authority to reallocate positions to classes on the basis of kind and level of duties and responsibilities, subject to the board's approval.

Section 4. *Classification of New Positions.* The chief librarian (or director) shall assign to existing classes or to new classes of positions, with the library board's approval.

Article II. The Pay Plan

Section 1. *Adoption of the Pay Plan.* The attached *Schedule of Salary Ranges* and *Class Titles Assigned to Salary Ranges* are hereby adopted as the pay plan for the _____ Library.

Section 2. *Maintenance of Pay Plan.* Each year before the annual budget is adopted the chief librarian (or director) shall, if possible, secure information about the general level of salaries and wages paid in private industry in the area, the salaries paid comparable state and municipal employees, and any change in the cost of living in the area during the

fiscal year. Based on his findings, the chief librarian (or director) shall recommend increases, reductions, or amendments of the pay plan to the library board of trustees for its consideration.

Section 3. *Transition to the New Pay Plan.* As of the effective date of the adoption of this resolution, all employees whose jobs are covered by this classification plan shall be paid at a listed rate within the salary ranges established for their respective job classifications. No employee shall receive a salary cut as a result of the transition to the new classification plan. Employees being paid at a rate above the maximum rate assigned for the class shall remain at their present salary as long as it is above the maximum rate. Employees being paid less than the maximum salary for their class shall be paid at a rate listed in the salary schedule. All employees not at a listed rate shall be raised to the next higher-listed rate.

Section 4. *Starting Salary.* As of the effective date of the adoption of this ordinance or resolution, new employees shall be appointed at the minimum salary established for the classification in which they are employed. However, applicants of exceptional experience or training may be appointed at starting salaries above the minimum. The chief librarian (or director) shall report all such appointments to the library board at its first meeting after the effective date of the appointment.

Section 5. *Earned Salary Increment.* Salary increases above the minimum for each class of positions shall be granted only in recognition of superior service or improved performance. An earned salary increment may be granted to an employee at any time during the year with the chief librarian's (or director's) approval. An employee may be granted more than one earned increment during one fiscal year only with the approval of the chief librarian (or director) and the library board.

Section 6. *New Class of Positions.* When a new class of positions is established as provided in this resolution, the chief librarian (or director) shall recommend the assignment of the class to a level in the pay plan. After receiving his recommendation, the library board of trustees shall assign the class to the level in the pay plan which it considers appropriate.

Article III. Appointments, Suspensions, and Dismissals

Section 1. *Appointments.* Appointments to positions with the _____ Library shall be made on the basis of educational and technical qualifications, ability, and experience. Temporary appointments (six months or less) are made on basis of qualifications for permanent position. Substitutes are engaged for irregular, temporary emergencies and are appointed on the basis of comparable qualifications with permanent staff members for whom they are substituting. All employees will be appointed by the chief librarian (or director).

Section 2. *Probationary Period.* All appointments to positions in the service of the _____ Library shall be for a twelve-month probationary period. During this time, the staff member's work performance is reviewed and evaluated by the supervisor and his strengths and

weaknesses discussed with him. New staff members are expected to become familiar with the staff manual, which covers library rules and practices. If the new staff member fails to give satisfactory performance and is not to be continued in service after the probationary period, he is given at least three months' notice before his probationary period expires if he holds a professional position and at least two weeks' notice if he holds a nonprofessional position. The library is not obligated to retain a probationer throughout his probationary period if his performance is not satisfactory or if further training will be of no help. In such cases a professional librarian receives one month's notice and other employees two weeks' notice. At the end of the probationary period, the probationer's performance rating is reviewed and the chief librarian (or director) decides whether to make a permanent appointment.

Section 3. *Promotions and Transfers.* Promotions and transfers within the existing library staff are considered when a vacancy occurs, although the library is free to seek candidates from other sources to fill the vacancy with the best-qualified person. Promotions are based on satisfactory performance service ratings and educational and technical qualifications. Length of service is not a determining factor except when candidates have equal qualifications. Supervisors make evaluation reports of employees periodically to ascertain staff abilities, performance, and potentialities. These reports are used for promotion and transfers as well as demotions and termination of service. All evaluation reports are filed in the personnel office.

Section 4. *Demotion or Dismissal.* Permissible grounds for demotion (placing in a lower-grade position at the pay scale assigned to a lower position) or dismissal are misconduct that indicates the employee is unfit to continue in his position, incompetence, neglect of duty, and failure or refusal to carry out validly assigned duties.

Section 5. *Procedure for Dismissal.* The chief librarian shall give an employee to be dismissed written notice of the reasons for the dismissal or the reasons for his intention to dismiss. The notice shall state that the employee has a right to a hearing on the discharge if he requests it within one week after receiving the notice. All discharge hearings shall be before the board of trustees and shall be held not later than two weeks after the discharge.

Section 6. *Reduction in Force.* If a reduction in force becomes necessary, consideration will be given to the quality of each employee's past performance, the needs of the service, and seniority in determining those employees to be retained.

Article IV. Conditions of Employment

Section 1. *Hours of Work.* (a) The standard work week for library employees of the _____ Library shall be ____ hours per week. (b) *Sunday Hours.* Sunday work is figured in the _____ hours per week schedule and is arranged on a rotating basis. Additional pay for Sunday hours is received at a rate specified by the chief librarian. (c) *Time for*

Meals and Relaxation. One hour on the employee's own time must be taken for lunch or supper except in emergencies. Each staff member is allowed 15 minutes of library time during each half-day schedule for a relief period.

Section 2. (a) *Annual Leave.* Each full-time member of the library staff of the _____ Library shall earn _____ weeks' annual leave each year. Proportional vacation time is allowed after six-months' service. Part-time employees working on a regular schedule receive the same proportionate vacation allowance as full-time staff members receive. No vacation allowance is given those employed on a temporary or substitute basis. Full-time pages and maintenance employees are allowed _____working days in each of the first three years of service and _____working days thereafter. Holidays falling within the vacation period are counted as part of the vacation allowance. Vacations must normally be taken within the vacation year in which granted, and at least two-thirds shall be taken as a unit. (b) *Annual Leave Taken as Earned.* Annual leave may be taken as earned with the chief librarian's (or director's) approval.

Section 3. *Holidays.* Library employees will receive full pay for the following holidays: _____ (list holidays).

Section 4. *Sick Leave.* (a) *Definition of Sick Leave.* Sick leave is a privilege granted by the library. Leave from work with pay may be charged as sick leave if the absence is due to sickness, bodily injury, quarantine, required physical or dental examination, or treatment that cannot be arranged outside of scheduled working hours, exposure to a contagious disease when continued work might jeopardize the health of others, illness in the employee's family that requires his care, or the funeral of a member of his family. All such absences with pay shall be charged against the sick leave allowance. (b) *Previous Sick Leave Credit.* Sick leave credits accumulated by each library employee shall be retained as of the effective date of this resolution. (c) *Accumulation of Sick Leave.* Each full-time employee and part-time employee working on a regular schedule on a commensurate basis shall earn leave at the rate of one day of each month worked. Sick leave may be accumulated indefinitely. (d) *Physician's Certificate.* A physician's certificate may be required as to the nature of an employee's illness and of his physical capacity to resume his duties. (e) *Separated Employees Lose Sick Leave Credit.* Employees who resign or retire or are dismissed from library employment shall not be paid for any accrued sick leave. Credit for accrued sick leave will be computed in Local Government Retirement payments.

Section 5. *Military Leave.* The chief librarian (or director) may grant up to two weeks of military leave with pay in any fiscal year to any full-time library employee for Reserve or National Guard training. Military leave shall not be charged against the annual leave to which the employee may be entitled.

Section 6. *Civil Leave.* A library employee who is called for jury duty or as a witness for the federal or state government or a subdivision

thereof shall be entitled to leave with pay for such duty during the required absence. The library employee may keep all fees received for jury duty in addition to his regular compensation.

Section 7. *Educational Leave.* (a) A special leave of absence at full or part pay may be granted by the library board upon the chief librarian's (or director's) recommendation to permit a library employee with an outstanding service record to take courses of study that will equip him better to perform his duties. These courses may be in either library service or an appropriate field. (b) Short-term leaves of absence with pay or adjustments of schedule may be made for employees to attend special workshops, institutes, or training courses to increase his competence on the job.

Section 8. *Leave Without Pay.* A library employee may be granted a leave of absence without pay for up to one year by the library board of trustees upon the chief librarian's (or director's) recommendation for reasons of personal or family illness, completing education, or for special work that will permit the library to profit by the experience gained or the work performed.

Section 9. *Activities and Affiliations.* (a) Leave with pay is allowed employees to attend library conferences and other professional meetings. The library contributes to the expenses of the officially designated representatives. Representation at such conferences is rotated among staff members, with priority given to employees who are actively participating, as in committee work. (b) Preparing radio and television broadcasts, story hours, book talks, displays, etc., is legitimate library work and may be done on library time. (c) Staff members are encouraged to become members of civic, educational, and professional organizations to provide a liaison between each organization and the library.

Article V. Insurance Benefits

Section 1. (a) All library employees are covered by the North Carolina Public Employees' Social Security Agency and the North Carolina Local Governmental Employees' Retirement System. Each employee shall have the employee's tax or contribution for these coverages deducted from his salary each month. All library personnel are covered by the Workmen's Compensation Act. (b) Pension and retirement arrangements are automatically effective for all permanent employees after _____ months of service. Regular deductions are taken from the employee's salary; the library also makes a contribution for each member. (c) A group hospitalization plan is available for library employees who wish to participate. The library carries a life insurance policy for each employee in the amount of $_____.

Section 2. Each library employee who has reached age 65 shall be retired at the end of the fiscal year unless the chief librarian and the Library Board of Trustees request that he remain in service. The request that he remain in service must be renewed annually or he will be retired automatically at the end of the fiscal year.

Article VI. Conflicting Resolutions Repealed

All trustee resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

Article VII. Effective Date

This resolution shall become effective _____
(date)